Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Are not some of them appointed before the introduction of the Staff Selection Board?

Khan Sahib Y. M. Roshan Sahib Bahadur *(Commissioner of Police):* Yes.

Mr. K. S. Panicker *(Ezhuvas-Mukundapuram):* "Other Hindu, Backward or depressed]". May I know to wh ch community he belongs?

Khan Sahib Y. M. Roshan Sahib Bahadur *(Commissioner of Police):* I am not sure.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* May I know whether all these four do not belong to the Anglo Indian Community?

Khan Sahib Y. M. Roshan Sahib Bahadur *(Commissioner of Police):* No. I think Europeans are also included under this, etc. The Reserve Inspector is a European.

BUS FARES—RATES OF

263. **Mr. P. Narayana Menon** *(Trippunithura):* Will Government be pleased to state.—

(*a*) whether the rates charged by the Service Bus Owners throughout the State are with the approval of the Government;

(*b*) if so, the principle followed by the Government in fixing such rates;

(*c*) are these rates uniform throughout the State;

(*d*) if not, why?

Khan Sahib Y. M. Roshan Sahib Bahadur *(Commissiner of Police):*

(*a*) Yes.

(*b*) The fares prevalent on 27th Vrischigam 1118 were increased by 25 per cent considering the increased cost of maintaining the buses due to war conditions.

(*c*) No.

(*d*) It is not possible to have a uniform rate for all routes.

Mr. C. V. Iyyu *(Kunnamkulam):* May I know whether the Hon'ble Member for Police is not aware that in the Madras Presidency bus-fares have been fixed at uniform rates, distinction being made only between hills and plains?

Khan Sahib Y. M. Roshan Sahib Bahadur *(Commissioner of Police):* There is no such thing in Madras.

LEGISLATIVE BUSINESS—NON OFFICIAL BILLS

The Hindu Widows' Re-marriage Bill

മിസ്റ്റർ കെ. എസ്സ്. പണിക്കർ: ഈ ബില്ല് ഈ കൌൺസിലിൽ അവതരിപ്പിക്കുന്നപക്ഷം ചില സമുദായങ്ങളുടെയിടയിൽ വലിയ ക്ഷോഭമുണ്ടാക്കുന്നതും, ഈ കൌൺസിലിൽതന്നെ ഇതു് അവസാനിപ്പിക്കുവാൻ സാധിക്കാതെ വരുന്നതുമാകകൊണ്ടു് ഇതു് ഇപ്പോൾ ആലോചനക്കെടുക്കേണ്ടതില്ലെന്നാണ് എന്റെ അഭിപ്രായം.

Mr. P. Kumaran Ezhthassan *(Vadakkancheri):* I second it.

Mr. K. Narayana Menon *(Mulakunnathukavu):* In view of the suggestion made by the Hon'ble Member for Mukundapuram Ezhuvas and the general trend that this House seems to adopt that this Bill cannot be got through during the life of this Council I am prepared to accept the suggestion that it may be adjourned.

The Prevention of Dowry Payment Bill—Mrs. K. Joshua

Mrs. K. Joshua *(Womens-Trichur):* Sir, I move that the Prevention of Dowry Payment Bill be read in Council.

Mrs. A. N. Menon *(Womens-Ernakulam):* I second it.

Mr. C. V. Iyyu *(Kunnamkulam):* Sir, In view of the facts mentioned by my friend Mr. Panickar I move that this Bill may be postponed.

Mrs. K. Joshua *(Womens-Trichur):* I oppose it.

Mr. K. M. Ibrahim *(Cranganur):* I second it. May I give my reasons for seconding the motion for postponment?

Mr. President: The Hon'ble Member may speak on the Hon'ble Lady Member's motion that the Bill be read in Council. No body has seconded the motion of Mr. Iyyu.

Mr. K. M. Ibrahim *(Cranganur):* I have seconded it.

Mr. President: The Hon'ble Member was too late.

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Mrs. K. Joshua *(Trichur Women)* : I move that "The Prevention of Dowry Payment Bill" be read in council. I feel very happy to introduce a Bill like this which is long overdue. At present dowry system has degraded to such an extent that many poor families are ruined and many on the verge of ruin. In many Christian and Nambudiri houses grown up girls are leading miserable lives because of inability of their parents to get their daughters married with handsome dowries. Many poor families are weighed down at the thought of giving dowry.

The dowry system was not so much in vogue in our State to such an extent as the neighbouring State of Travancore. But it is spreading rapidly and has begun to take roots. It is our duty to weed it out as early as possible.

It is generally admitted that one of the tests applied to find out the level of culture of a country or a community is to consider the nature of treatment meted out and the position assigned to women in society. It is the boast of Kerala that women here occupy a very dignified and honourable position. Again Cochin is said to lead the rest of India in matters of education of women. Are we not trying to put back the hands of the clock of progress in our enlightened State when all over India the movement is gaining ground almost daily for the better treatment of women in society and economic matters. ' Parents, even educated ones actually sell their daughters away. They seem to have much belief in the Russian proverb: "The hen is not a bird nor a woman a human being."

The young men and their parents dictate terms of payment of dowry to the parents of daughters to be married. The latter in their utter helplessness seek for money to meet the demands of the other side. They borrow, they pledge their moveables, they mortgage their property and the marriage takes place. But it does not take much time for the debt to ripen into a decree and the family is ruined. I only seek to save such families from this sort of ruin.

This Bill is thus calculated to improve the lot of women in general. This Bill does not make any distinction between community and community. I, therefore, feel that the Hon'ble Members will give their unanimous support to this Bill.

Mrs. Thankamma N. Menon (*Ernakulam Women*): Sir, I rise to support the Bill introduced by my friend the Hon'ble Lady Member for Trichur. It is high time that the system of dowry should be abolished from our State altogether. This system of dowry has really become a curse to those communities who have to follow this system. Moreover, I may say that this has become rather a disgrace to the womenfolk because just as we bargain the price of cattle in a cattle market in the same way actual bargain goes on between the parents of the interested parties and consequently many a girl has overstood her market. I ask the Hon'ble Members of this House.. ....

Rao Sahib K. Ayyappan *(Ezhuvas-Kanayannur)*: Is not the bridegroom's price fixed rather than the bride's.

Mrs. Thankamma N. Menon *(Ernakulam Women)*: That dosn't make any difference.

Mr. C. V. Iyyu *(Kunnamkulam)*: No. Gentlemen.

Mrs. Thankamma N. Menon *(Ernakulam Women)*: I ask the Hon'ble Members of this House whether this is not an insult to the womenfolk especially in this far advanced times. Are we not also the creation of God ? Is it fair to treat us like this ? The only thing I have to say is that in olden times if only we women, had been given the same opportunity as is given us now to frame the laws and rules of this land certainly we would have been more generous and more charitable towards our menfolk. (A voice: question). In very many cases we find that several parents are put to lot of suffering and agony because of this dowry system. The amount of dowry has gone up so high that the parents find it very difficult to find out such huge amount and give away their daughters in marriage, and very often these parents are between the horns of a dilemma.The girl coming to know of the agony of that parents feels rather very much worried and even feels ashamed that she was ever born in this world. After all the sons and daughters are all of the same flesh and blood. God has created them alike. (A voice:) So whatever advantage the son gets the daughter also is entitled to the same advantage. In order to have harmony in the family and to have more good-will between the brothers and sisters in a family it is better that we stop the system of giving dowry and see that equal share is given to the daughter also just like the son, in the father's property. Generally we find that the dowry is given to the bridegroom and the girl has no voice or right over that. In many cases we find that the son-in-law happens to be a rather extravagant person and he squanders away the whole amount of dowry given to him. Since the girl is given dowry from her father's family she has only very little right to her father's property. So naturally there is no one to help her. Whereas if the dowry system is stopped and the girl is given equal share as to that of the son she could naturally go to

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her father and ask for her share and the parent also could make proper safeguard regarding his daughter. If he finds that the son-in-law is rather an extravagant person he could very well add a rider to his will to the effect that the daughter is given only a life interest so that the son-in-law may not squander away the property and the daughters' children could inherit the property after the death of the daughter. So in this way and in several other ways the interest of the girl could be safeguarded. Now I find great misapprehension in the Christian community regarding giving equal share to the daughter. When the Hon'ble Member for Chalakkudi introduced the Christian Succession Act Amendment Bill in this Council there was very great discussion on this point. Their contentions were that whatever share is given to the daughter, when she gets married she takes away that share to her husband's family. I am always of opinion that men are very selfish and in their selfishness they forget the fact that just as the daughter take away the money from this family, in the same say when the son gets married the daughter-in-law brings in the same share that is lost to the family. So there is no room for such misapprehension and it is only rather a flimay argument. I hope that Hon'ble Members of this House will be more broad-minded and will be more charitable to the womenfolk and will unanimously support the Bill brought forward by the Hon'ble lady Member for Trichur.

Mr. C. V. Iyyu *(Kunnamkulam):* Sir, I oppose the motion because I have no personal interest in this question and also because I myself have not received any dowry for my marriage. Neither my father has received any dowry. I come from a place where there is not much of this dowry system in existence. After all, this dowry problem has begun to be agitated only within the last decade. I suspect very seriously that the Hon'ble lady Member for Trichur is an agent of the Travancoreans. As far as the Christians of Cochin State are concerned, economically it will be a very great loss to the Christians of the State, more so with regard to those on the northern side of the State, because the dowry question is an economic problem. So far as the Travancore Christians are concerned, it is they who taught our people to receive dowries and made the dowry problem a little bit acute.

Mr. P. Kumaran Ezhuthassan (*Vadakkancheri*): So the personal interest is coming out.

Mr. C. V. Iyyu (*Kunnamkulam*): I have not got any personal interest. So in the economic interests of the State more money must be coming from Travancore if dowry system is continued for a long time. As far as the Nayars of Palghat are concerned, they pay dowry to their ladies and the Nayars belonging to my taluk when they marry from Palghat they get money. Even those who are in very high positions about whom we cannot speak in this Council under the rules governing the Cochin Legislative Council, receive fabulous sums of dowries, and it is a very sound investment for the parents of the ladies who are given in marriage to such people. (A voice: If not squandered away). More money will be forthcoming later on. If dowry system is prohibited probably the people occupying such position will have to be prosecuted first. That is a problem that affects caste Hindus also. The Hon'ble lady Member for Eanakulam has been saying certain things which show that she does not know these things. If at all dowry is received from the bride's family it is never included in the tarwad property of the bridegroom. Generally the dowry is invested in the bride's own name. (A voice: Not everywhere). It will never be part of the tarwad property. Suppose the woman dies without children. According to the law the husband can take half of it. But no decent Christian gentleman, no Christian family, as far as I know has taken that half. If they are unable to give it back in cash they give it in the form of property. There are several hundreads of cases like that. Generally it is being returnd. If it is not posible to return the money even re-marriage is postponed. I know several cases like that. In the case of Muslims it will not be a problem because under the law the the women have right of property and if at all there is no property there are several cases of divorce. As far as Christians and Brahmins are concerned they cannot divorce their wives and wives cannot divorce their husbands. So also in the case of respectable and decent Nayars. They dont' generaly divorce their wives even though the law permits it. It is not a fact that dowry is sthreedhanam. It is purushadhanam, the price for the bridegroom.

In such cases it is the only way to get the share of the daughter; sometimes dowry will be more than the ¼ share, which is legally due to her. Some parents wlll be mad after a particular bridegroom for a girl and will be.....

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* So you want to encourage that madness?

Mr. C. V. Iyyu *(Kunamkulam):* Why not? it is on behalf of those ladies? More money will be actually paid to her. The lady member also remarked that she cannot demand any right in property. So long as the father lives, she can demand money and generally there are ever so

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many loving parents who write wills leaving more money in favour of the daughters than the latter are legally entitled to. After all, this is not a compulsory thing. It is left to the bridegroom or to the bridegroom's people not to accept dowry.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*; In effect it has become compulsory.

Mr. C. V. Iyyu *(Kunnamkulam)*: Not in effect. If the ladies are well organised, they can make it a point never to marry men who receive dowry. Why should girls want dowry? Are all ladies married ? Why can't they remain unmarried? Then the men will have to pay. There is a communty in Cochin called "kakkalans". Among them it is the parents who get "Sthreedhanom". Sometimes some Englishmen do this. Actual Sthreedhanom is that. The Bride is sold by the bride's parents to the husbands. That Kakalans may be called the Gypsy Community of Kerala. They actually sell daughters for Rs.100 or Rs. 200 to the husband and that husband will sometimes pay Rs. 200 or Rs. 300 to the parents of the wife. That husband can sell this girl to another husband and receive money. It is an actual occurrence, but probably the lady members do not know such things. I think the lady members will agree to the view that women are more costly to mantain than men. If it were not so, men will pay money and get women. So if that condition comes up, surely man will depend upon woman and they will have to pay. The present position is different. In fact man is degrading himself in getting money when he marries his wife. So on the whole this is a Bill which in the interests of Cochinites and also in the interests of women themselves is not a wise one. If this view is accepted, there are ever so many communities like the Brahmins, the Christians, there are also some Nayars, some Muslims, all communities will probably find it difficult to get money from their parents' family. So this must be considered a sort of patrimony, just like when women enter on monastic orders like Convents a certain amount of money is given voluntarily by the parents; it is patrimony (Pithrudanam). To say that the payment of dowry is sinful or that it should be made penal is rather a bad theory in the interests of the people. With these words I opppose the motion.

***Mr. A. V. Moothedan** *(Chalakkudi)*: Sir, though I have great sympathy for the movement for the prevention of payment of dowry I am constrained to oppose this Bill for the reasons which I am going to state. By this Bill the communities which are mostly affected are the Christians and the Brahmins. Now a days the Nayars and Ezhuzas have also begun demanding dowries, but it is not very prevalent. In the case of Muslims, Christians and Brahmins dowries are always paid. I must at the very outest say that the payment of the dowry is an ancient custom. It is not a recent custom. When we examine the documents of old Christian Succession Enquiry Committee, it will be seen that from ancient days the custom of payment of dowy was prevalent in Malabar I may say that the system of dowry is so very ancient. Even in the old testment it is seen there was payment of dowry. It is seen that when Abraham married Sara, dowry was paid. So also Issac received dowry when he married Rebecca according to the custom prevalent then.

Rao Sahib K. Ayyappan *(Ezhuvas-Kanayannur)*: What was the dowry of Eve ?

Mr. A. V. Moothedan *(Chalakkudi)*: It is seen that so many valuable things were given as dowry. Even in the days of the old testment this custom was prevalent. I am very glad that the two Hon'ble lady Members have joined their efforts to do away with this evil custom. Their efforts ought to be applauded, because reforms in Society is a difficult task, and they have undertaken it and very rightly too. What is the demand in this Bill and what will be its result? Sometime back I moved a Bill for equal shares for sons and daughter of the Christian Community and for changing the Christian law to that extent so that my object indirectly was that this dowry system may be prevented. The object directly stated was to give equal share to the daughters as to the sons as in British India. When that Bill was introduced what a volume of opposition was raised against it. I think no other bill met with so much of representations written and oral, so many meetings were held, so many articles appeared in the Papers about it, so that I really thought it was a wrong thing. And in the last it was thrown out. So, that is the reward that we get if we try to introduce social reforms.

My reasons for opposing this Bill are these. The dowry system may be prevented by all reasonable and legitimate means, but not by this method. First of all when one peruses this Bill it will be seen that payment of dowry is an offence as bribery is, exactly on the same footing. Payment of dowry is made in consideration of marriage and bribery is given for doing or inducing an officer to a wrong thing. So if that is a wrong thing marriage is also a wrong thing. So if the House accepts this Bill the principle will be that marriage will be a wrong thing. For inducing

*Speech not corrected by the Hon'ble Member.

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the bridegroom to accept a girl you pay dowry. So, that is a sort of bribery which is an offence. So if the House accepts this Bill, that is the position. It will come ultimately that marriage is a wrong thing or a sinful thing. I think no religion teaches that marriage is a sin. But on the other hand all realigions say marriage is a sacred thing. So my first objection is you can never make payment of dowry an offence. There were many things that were reformed, for example, "Sathi" was removed, Child Marriage was abolished, they are very simple things. Dowry is not on the same footing as Child Marriage. Child marriage is an inhuman custom, a child of three years married to a man of 40 and perhaps she becomes a widow at the age of 7. It is an inhuman system.

The man demands something when he marries a woman for maintaining her. Suppose that girl remains unmarried in the father's family. Is not the father bound to support her till his death? Is no maintenance necessary? The dowry is nothing but a consolidated payment meant for the maintenance expenses of that girl in the father's family. Is it a sinful thing? Therefore I will never ask this House to treat payment of dowry on the same footing as Child Marriage or some other evil custom. The Hon'ble lady Members referred to the sad plight of those who remained unmarried in the society. There are several reasons for these girls remaining unmarried. This is a case of supply and demand. If you look at the last census figures it will be seen that the population of females is much more than the population of males and so naturally if monogamy is to exist some girls are bound to remain married. It is a natural case. Unless my friends recommend that monogamy should be introduced and so on, some girls are bound to remain unmarried. The point is there is only a smaller number of men than women. Therefore a male can choose between two or three girls. Therefore he can say "you give me so much if you want me to marry you". That is why the men are placed at an advantageous position and he makes some demand. That is one reason why some women remain unmarried. I am very sorry that some girls remain unmarried. Some girls remain unmarried because they don't like married life. They want to be spinsters all their life. They don't want to submit their freedom and will to the men. There are other reasons also. Some girls want marriage alliance with families of higher status. If the daughter of a Rikshawala is to marry the son of a Rikshawala there is no question of dowry. If the daughter of a Rikshawals want to marry the son of a clerk, then the clerk's son will ask for a dowry. That ambitious father won't be able to pay the amount and naturally she remains unmarried. If a Verumpattamdar's daughter tries to marry a Verumpattamdar's son, or if a middleclass girl marries a middleclass man there is no trouble at all. But if a middleclass girl seeks a marriage alliance with aristocratic family the demand for dowry comes. So the ambition should be limited to your own status. Another reason why girls remain unmarried is some girls are ugly. Naturally every man or every human being has got a love of art and he likes to marry fine girls. Some girls are ugly and their parents are not in a position to compensate for their ugliness. That is another reason why girls remain unmarried. I can account for all the reasons for girls being unmarried without casting any reflection on the conduct of males. Therefore I concede and I am sorry that so many girls remain unmarried, but by passing this Bill that problem cannot be solved. This won't be a solution for that. On the other hand this will create only more difficulties which I am going to show presently.

This Bill is something like an Atlantic Charter, a simple declaration, that no dowry shall be paid or received. How is it to be enforced and by whom is to be enforced. These are not stated here. How can we enforce this Bill. We do not know. It is only stated that anyone who contravenes the provisions contained in section 4 of this Act shall be punishable with imprisonment for a period of 6 months or with fine amounting to Rs. 1,000. Who can make a complaint under this Act? Suppose a person receives dowry. Are all the citizens in Cochin State to go and make a complaint. Only a certain class of persons say husbands or somebody else should be made to do this. All people should not be given power to file a complaint. Before whom shall the complaints be filed? We have got 1st class Magistrates, 2nd Class Magistrates, 3rd Class Magistrates and the District Magistrate. Before whom shall the complaints be filed? Nobody knows. If the 1st Class Magistrate makes an order which is unjust what is the remedy for the party aggrieved? There is no provision here for appeal or anything. That is why I call it an Atlantic Charter making a simple declaration. If my friends would have simply omitted the penal clause I would have simply supported them.

Mrs. Joshua *(Trichur-Women)*: So you accept the principle of the Bill.

Mr. A. V. Moothedan *(Chalakkudi)*: If they can omit the penal clause I will support them. Another thing is if this Bill is passed all marriages will have to be conducted in the black-

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market because every parent will require dowry and how can it be paid. It has to be done in the blackmarket because it cannot be done openly as paying and receiving dowry are offences. Therefore they will have to go to the blackmarket and conduct marriages. That will create a lot of difficulties because now if the dowry is not paid in cash they make some arrangements to conduct the marriage, but if this Bill is passed they will insist upon cash payment because if a document is given it cannot be enforced. No Court of law will entertain a suit based upon such documents. The parties will demand cash. That will create more difficulties for the parents. In many cases marriages are conducted on the undertaking that the dowry will be paid on a future date. But it is not possible if this Bill is passed. For these reasons though I have got great sympathy for the women and the cause so ably advocated by the two Hon'ble Lady Members I cannot agree to the method adopted in getting this evil practice removed. For these reasons I oppose the Bill.

*Mr. K. M. Ibrahim *(Cranganur):* Sir, while fully appreciating the laudable objects with which the Hon'ble Member for Ladies north has moved the Bill and the Hon'ble lady Member for South has supported it, I am constrained to oppose this Bill, partially. The point, Sir, is the undesirable repurcussions it will have on the validity of a Muslim Marriage. It comes to this that if this Bill is passed into law, it will be taking away the rights of the Muslims bride accruing from the validity of a Muslim marriage. Apart from the simple scriptural and theological sanction which I plead, even from a rationalistic point of view, Sir, I can submit that this condition should exist. While I will be the first to assert the equality of sexes and I will be the first to concede that the Hon'ble lady Members here are so able as myself and abler in matters political and private, while I concede all that, the point is that the majority of the ladies, especially in backward and uneducated communities like mine, have not come to that stage when no special protection is required. Now, the point, Sir, is that in a Muslim marriage it is essential that the husband should provide for a "mahar", that is to say a kind of help to the bride. The usual practice is that an amount is mentioned when the contract of marriage is entered into. From the very face of it, the status of the bride is really increased by this essential condition. On the other hand, it acts as a deterrent to the free exercise of dissolution of marriages. It is a general complaint heard in some quarters that in the Muslim law, divorce is an easy thing and it can be had for the mere asking. While it is not a fact and there are very many stipulated conditions when a divorce can be allowed the fact that the husband is subject to a financial commitment in the civil contract has always played as a great check on the free exercise of this divorce power vested in him..... Now if you take away this right, my submission is that the bride will be put to trouble. So in the interests of the ladyfolk and the lady section of my particular community, I pray that some exemption must be made to the Muslim ladies in this case. I do not think that any kind of revolutionary changes are required for the passing of the Bill if it is acceptable to the House in other ways. You simply add among the exemption, "dowry means and includes presents in the form of money, land, jewel or other valuables paid or agreed to be paid to the bride or bride groom in consideration of marriage, but does not include a Muslim "mahar" or any jewel given to the bride according to the usual practice and her family status". If this is acceptable to the Mover, I think I can find my way to support her.

*Mr. Joseph Pettah *(Adur):* Mr. President, Sir, I oppose the motion. I find that the Bill is very harmful in significance, stultifying in itself, impracticable and impossible of enforcement. I am very sorry that I have to oppose a measure brought forward by the Hon'ble Member for Trichur-Women. I am sure that the Hon'ble Member has got the interests of the ladies at heart and is actuated by the best of motives for doing them a good turn. But I am afraid that she has not studied the question in all its bearings upon the social reform and on the communities in the State. And the result would be instead of doing a good turn to the communities, it would be really inflicting upon them a real injury. It is for this reason that I oppose the Bill. In some of the speeches made here, reference was made to the selfishness of man and also the unselfish character of women and so on. I submit to this House, Sir, that we the fathers of families are as much concerned for the welfare of women-folk as the Hon'ble lady Members. In fact, in such matters, the great responsibility is on the father of the family and he is more concerned with the welfare of the daughters than even the daughters themselves, as circumstances are at present. Now, the slogan of "no dowry" may have a very good glamour about it, a certain fascination about it and it may be even good occasionally as an electioneering drive. And many people

*Speech is not correeted by the Hon'ble Member.

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who do not look into this matter very closely, may perhaps be easily enamoured of the slogans shouted out from house-tops with vociferous enthusiasm.

Rao Sahib K. Ayyappan *(Ezhuvas-Kanayannur):* The supporters of this Bill won't get a single vote from the Christian community, that I am sure.

Mr. Joseph Pettah *(Adur):* Sir, appearance, affluence and ancestry are among the three important factors which influence or determine the selection of parties in the field of marriage. These three factors, appearance, affluence and ancestry are compensatory in the sense that if there is a handicap in one respect, that handicap is sought to be removed by an advantage in other respects. To explain it a little more in the case of a family, in the case of a girl who has got a good appearance and comes from a noble family, she might have a good chance of marriage even though her family is not in a position to afford a handsome dowry. But in the case of another girl who has not got such good looks, nor hail from such an old family, she has got a serious handicap in that respect, but that handicap may be removed to some extent by a compensation in the shape of a dowry. If you remove that compensation, the possibility of such compensation, what is the situation? All those girls who are not so blessed by nature with a very good appearance or who are not members of noble families will have a second chance or perhaps no chance at all in this field of marriage. In this connection it is a very relevant fector which urges itself for our consideration. The appearance and ancestry are beyond our control. So that there is the handicap in that direction, however, much the father of a girl might try he cannot get over that handicap. So the only possible way in which something could be done is by putting that compensation in the shape of a handsome dowry. He may be a poor man, but with some amount of effort he could get over that condition, whereas in the case of other difficulties, there is no possibility of getting over those difficulties. Now the question is what about the girls who have neither gold nor good looks. Of course, in their case I concede there is some difficulty, but again the Bill will be no salvation for them.....

The Bill would be no salvation for this. On the contrary the Bill would make the position worse. At present if the girl has got some money at least she can get over the heggle. If the Bill is passed then there would be no salvation because payment of dowry would be prohibited and it would be penalised it is argued that many families have experienced severe hardship on account of dowry system and that many girls would not get married. The point has to be answered. If the family is really suffering hardship it is because it does not confine itself to its means. They have a shooting ambition that their girls should be given in marriage to persons of higher economic status for that purpose some of the fathers of the family may willingly undergo very severe sacrifices. If we prevent them for undergoing such sacrifices for the sake of this that again played against the women-folk. It is against the girls' interests. My friend the Hon'ble Member for Chalakkudi has given a very graphic description for the various causes of girls remaining unmarried. In several other places and in other countries there is no dowry system. Things get on very well there. For example the western countries there is no dowry system. In the case of this country the usages are entirely different from what is obtaining here and they have great bearing on this question of dowry. In western countries marriage is proceeded by a period of court-ship, where the parties themselves come to settlement on various considerations. Powder paint, lipstick, and pomade take the place of dowry and what is the result. And the marriage has been reduced to a very unstable condition. If my Hon'ble friend is in the habit of reading papers he would have realised the number of alarming increases in divorces in the western countries. Perhaps marriage has become an unstable institution. I submit that the institution of provision of dowry and control would surely conduce to the stabilising of the marriage institution.

Then the next point here is that the Bill tends to certification. There is a clause here that payment can be made in the shape of ornament consistant with the status of the family. Who is going to decide and determine the status of the family and the amount of ornaments or the quantity of jewels which would be consistent with the status that is only worsening. Instead of the money being useful to the bridegroom and his family it will have to be invested in jewellery. That is a proposition which will be welcomed by gold merchants. Why should we be realising all the bearings connected to that. Again the first thing is it is impracticable and impossible of enforcement. Whatever be the law you will find that the parents of young men themselves would be demanding the dowry, a certain amount of money and there are ever so many methods of doing it and there will be the black-marketing of girls as it were. Then you say alright you may pay and there is a very serious harm as was pointed out already now with a certain promise you can negotiate a marriage. You may execute a pronote

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or a mortgage deed. Very often in respectable families a solemn promise in the presence of witnesses duly authenticated will do. But if dowry is penalised surely ready cash would be demanded and the brides' parents will be put to serious hardship to find ready money. When ready cash is demanded, the rate of interest and other terms of redemption would be ruinous.

In the first place, the Bill is harmful. Secondly, it is stultifying. It will be handicapping the indispensable. Why should those who have the interest of the women-folk prevent the remedy that is sought. Any measure of social reform is a difficult and complex proposition. It has to be studied in all its bearing. A great deal of experience is necessary. You must know men and things. Various repurcussions might take place. I am afraid the Hon'ble Lady Member who has sponsered the Bill with the best of intentions will study the question thoroughly in this aspect and if she would oppose such a measure will withdraw the Bill most heartily.

Mr. Shabdai S. Koder *(Nominated):* The members of my community follow this system of giving dowries as mentioned in our Bible. If this Bill becomes law, I am afraid it will cause very serious hardship to the jewish community. I am, therefore, constrained to oppose this Bill. Without entering into the merits or demerits of it.

Mr. T. P. Poulose *(Kanayannur):* Sir, I also feel constrained to oppose this Bill. I fully appreciate the good intentions with which the Hon'ble lady Member has brought this Bill. In fact I fully agree with her that the dowry system is now playing in the matter of marriage negotiations, a more important part than it really ought to play. Several marriages, which on a consideration of several factors ought to have taken place, have not taken place and several marriages which might not have otherwise taken place have taken place on account of the dowry system. Such as the character of the proposed girl her education, her other attainments, all these factors which ought to be the prime consideration in the choice of a bride are often ignored on account of the attractions of a heavy dowry. Dowry system, looked at from this point of view is certainly doing certain amount of evil in society. Simply because it is an evil looked at from certain aspects, that alone is no reason for condemning or abolishing it. On the other hand under existing conditions it is a necessary institution which has got its advantages. A good institution may have its evils. Marriage itself is a good institution. Sometimes miseries arise out of marriages. That is no reason for abolishing marriages. Several persons after marriage have found themselves in very miserable conditions. That is not because marriage is an evil institution. Every institution can be abused, and when abused it becomes an evil to that extent.

Now I would submit that the dowry system is a necessary institution. Several arguments have been advanced by Hon'ble Members against this Bill. I wish only to emphasise one particular aspect which has induced me to oppose this Bill. This institution of dowry prevails mainly in societies where daughters are not allowed to inherit the father's property. This system prevails among Christians, Brahmins and other communities where daughters are totally excluded from inheritance in the father's property. The reason for the exclusion of the daughters and the history of that reason, it is unnecessary to go into at present. In those communities there is a strong agnatic bias. It is the desire of the fathers to preserve the family property in the male line. The daughters who are married, after the marriage, ceases to be members of the family of their birth and are considered to be members of the family of their husbands. The father does not like the idea of the daughter carrying away a share of the estate into her husband's family. That is the reason why Christian community and many other communities have very vehemently opposed the principle of giving daughters an equal share.

I am not here on the question whether we are right or wrong in so doing. I am explaining what the present conditions are. In the present conditions when fathers do not allow daughters to inherit an equal share in their property, I would ask this House how the method of dowry is abolished, to ensure to daughters at least some sort of a pittance in their father's wealth. The suggestion may be the House can pass a Bill to the effect that daughters may be given equal shares with sons. This Hause cannot ignoré that the father has absolute testamentary powers and any measure passed by this House laying down a rule of inheritance against the sentiments and likings of the father, when he has got absolute powers of disposition, will be a futile measure.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* That can also be changed by legislation.

Mr. T. P. Poulose *(Kanayannur):* Now the question is if under the existing state of affairs taking into account the agnatic bias in the communities affected by this Bill, and the

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absolute powers of testamentary disposition enjoyed by fathers and taking into account that fathers do not willingly allow daughters to succeed to any share and taking into account that this House has vehemently opposed a Bill to give equal share to daughters, taking all these facts into account, I ask the House to consider what will happen to the daughters, if this Bill is passed. At present, at the time of marriage negotiations, since the father is anxious that he should provide for his daughters in a comfortable way by securing her a husband of some means he pays reasonable amount as dowry for that puprose. It is this factor that ensures his daughter a certain amount of wealth. Otherwise the daughters in those communities like Brahmins, Christians etc., will have to go without any share in the father's property. That will be what is going to happen if this Bill is passed. Let us not conceive of the ideal, if that be the ideal, where daughters and sons share equally the father's property. The law should suit the present conditions of our social and economic life. We must take into account the existing facts and not take into account what ought to be. And in the existing conditions I would respectfully submit to the House, that it is a great injustice to the daughters, to prohibit even this payment of dowry which alone they get. They are not getting anything else. They get only this. If you prohibit that also they will get nothing. This is a fact which the Hon'ble lady Member ought to take into account before she presses this Bill for the acceptance of this House. This Bill makes the payment of dowry an offence but not its acceptance. "Dowry" as defined in the Bill means and includes presents in the form of money, land, jewel or other valuables paid or agreed to be paid to the bride or bride-groom in consideration of marriage but does not include any jewel given to the bride according to the usual practice and her family. Can anything be more preposterous and anything be more harmful to the daughters than making it an offence for a father to pay money, land, jewel or other valuables to his daughters.

*മിസ്റ്റർ കെ. എസ്സ്. പണിക്കർ: മിസ്റ്റർ പ്രസിഡണ്ട് സർ, സ്ത്രീസമുദായത്തിന്റെ താല്പര്യങ്ങളെ പരിരക്ഷിക്കുന്നതിന്നുവേണ്ടി ഇവിടെ വന്നിട്ടുള്ള രണ്ടു സ്ത്രീമെമ്പർമാർ, ഇത്ര വലിയൊരു അപരാധം ചെയ്യേണ്ടതില്ലെന്നാണ് ഈ ബില്ലിനെപ്പറ്റി എനിക്ക് പറയുവാനുള്ളതു്. സ്ത്രീകൾക്ക് വിവാഹസമയത്തു് ആഭരണങ്ങളോ, മറ്റേതെങ്കിലും വിലപിടിച്ച സാധനങ്ങൾ അവക്ക് ഡവറിയായിട്ട കൊടുക്കുന്നതായാൽ അതെങ്കിലും അവക്ക് കിട്ടും. എന്നാൽ അതും വയ്യായെന്നാണ് ഈ ബിൽകൊണ്ട് നിർദ്ദേശിക്കുന്നതു്. ക്രസ്ത്യാനിക്കും, ഈഴവർ മുതലായ മറ്റു സമുദായങ്ങൾക്കും ഓരോ ബില്ലുണ്ട്. അതിൽ ഒസ്യത്തു് എഴുതുവാനുള്ള അധികാരം കൊടുത്തിട്ടുണ്ട്. ഇതു കൊണ്ടുവന്നാൽ പിന്നെ അവക്ക് യാതൊന്നും തന്നെ കിട്ടുവാനില്ല. പിന്നെ ഈ ഡവറി സിസ്റ്റം വേണ്ടെന്ന് വെക്കുകയാണെങ്കിൽ മിക്ക സ്ത്രീകളും അവിവാഹിതരായിട്ട നില്ക്കുണ്ടി വന്നേക്കും. ഇപ്പോൾ പുരുഷധനമെന്നോ, സ്ത്രീധനമെന്നോ, എത്രതന്നെയായാലും പുരുഷന്മാക്ക് എന്തെങ്കിലും ഒരു സംഖ്യ കൊടുത്താൽ സ്ത്രീകളെ വിവാഹം കഴിക്കുവാൻ ആളുകളുണ്ടാകും. ഈ സംഖ്യ കൊടുക്കുന്നതുകൊണ്ട് ഒരു സ്ത്രീയെ എന്നെന്നേക്കും പുലർത്തുവാനുള്ള ഒരു മുതൽ കിട്ടുമെന്നുള്ളതല്ല; പ്രാരംഭമായിട്ട് കുറെ സംഖ്യ കിട്ടുമല്ലോയെന്നുള്ള ഉദ്ദേശമായിരിക്കും മിക്ക ആളുകൾക്കും. ഡവറിസിസ്റ്റം വേണ്ടെന്ന് വെക്കുകയാണെങ്കിൽ സ്ത്രീകളെ ആരും വിവാഹം കഴിക്കുവാനുണ്ടാവുകയില്ല. പിന്നെ പുരുഷന്മാരെ സ്ത്രീകളും, സ്ത്രീകളെ പുരുഷന്മാരും വിലക്കു വാങ്ങിക്കുന്നതുപോലെ ഒരു സമ്പ്രദായമുണ്ട്. അതു മിക്കസമുദായങ്ങളിലുമുള്ളൊരു പതിവാണ്. എന്റെ അറിവിൽപ്പെട്ടതും, ധനവാനും, മാക്കം ക്രടീട്ട് അധികകാലം ആകാത്തതുമായ ഒരു ക്രസ്ത്യാനി, ൨൦,൦൦൦ക. ചിലവുചെയ്ത് ഒരു സ്ത്രീയെ വിലക്കു വാങ്ങിച്ചിട്ടുണ്ട്.

ഈ ബിൽ പാസ്സായാൽ പുരുഷന്മാക്ക് വിവാഹമോചനം കൊടുക്കുന്നതും ക്രടി ശിക്ഷിക്കപ്പെടുന്നതായിട്ടാണ് വരുന്നതു്. ഈ ബില്ലുകൊണ്ട് പണമായിട്ടോ, വസ്തുവായിട്ടോ, ആഭരണമായിട്ടോ, വിലപിടിച്ച മറ്റേതെങ്കിലും സാധനങ്ങളായിട്ടോ ഒന്നും തന്നെ കൊടുക്കുവാൽ പാടില്ലെന്നാണ്. എന്നാൽ, പിന്നെ എന്താണ് കൊടുക്കുവാനുദ്ദേശിക്കുന്നതു്? യാതൊന്നുമില്ല. സ്ത്രീകൾ എന്നും അവിവാഹിതരായിട്ട് അവിടെ നില്ക്കുണം. ക്രസ്ത്യാനി സ്ത്രീകൾക്ക് അവരുടെ പുരുഷന്മാരെപ്പോലെയുള്ള ഒരവകാശം കൊടുക്കണമെന്നുള്ള ഒരു ബിൽ ബഹുമാനപ്പെട്ട ചാലക്കുടി മെമ്പർ ഇവിടെ കൊണ്ടുവന്നപ്പോൾ ആദ്യംതന്നെ സമാവകാശം കൊടുക്കുന്നതിന്നുള്ള ഒരു ബില്ലല്ല വേണ്ടതു്; ഒസ്യത്തു് എഴുതുവാനുള്ള അധി

*Speech not corrected by the Hon'ble Member.

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കാരം എടുത്തുകളയുകയാണു് വേണ്ടതു്. ഒസ്യത്തു് എഴുതുവാനുള്ള അധികാരമില്ലെങ്കിൽ ബില്ലുകൊണ്ടു് അവക്കു് അവകാശമില്ല. ഏതു സമുദായത്തിന്റെ കാര്യം പറഞ്ഞാലും, ഒസ്യത്തെഴുതുവാൻ അധികാരമുള്ള കാലത്തോളം പകുതിയും കിട്ടുകയില്ല; മൂന്നിൽ ഒന്നും കിട്ടുകയില്ല; യാതൊന്നുംതന്നെ കിട്ടുകയില്ല. നേരത്തെതന്നെ ഈ ഡവറി കൊടുക്കേണ്ടതില്ലെന്നു് പറയുന്നതിൽ തരക്കേടില്ല. പക്ഷെ, ഞാൻ മുൻ പറഞ്ഞതുപോലെയുള്ള ഒരു വ്യവസ്ഥ വരാത്തേടത്തോളംകാലം ഈ ബിൽ എല്ലാ സമുദായങ്ങൾക്കും വലിയ ഒരു ദോഷം ചെയ്യുന്നതാണു്. അവരവരുടെ സന്താനങ്ങളുടെ ക്ഷേമമനേക്ഷിക്കുവാനുള്ള ഒരു മൂമതല അച്ഛന്മാരെപ്പോലെ അമ്മമാക്കു് അധികം ഉണ്ടാകാറില്ല. ആ കാര്യത്തിൽ അച്ഛന്മാക്കായിരിക്കും കൂടുതൽ വ്യസനം. പ്രായമുള്ള സ്ത്രീകൾ വീട്ടിൽ അവിവാഹിതരായി നില്ക്കുമ്പോൾ അവക്കു വളരെ വിഷമമായിരിക്കും. എത്രതന്നെ കൊടുത്താലും വേണ്ടതില്ലാ പ്രായംചെന്ന പെൺമക്കളെ വിവാഹംചെയ്തു കൊടുക്കണമെന്നുള്ള വിചാരം അവരുടെ കാരണവന്മാക്കുണ്ടായിരിക്കും. ആ നിലക്കു് ഡവറിയുംവേണ്ട, മറ്റു യാതൊരു അവകാശങ്ങളും വേണ്ടയെന്നു് വരുത്തിക്കൂട്ടി സ്ത്രീകളെ എന്നും അവിവാഹിതരായിട്ടു നിറുത്തുവാനാണു് ആഗ്രഹമെങ്കിൽ ഈ ബിൽ പാസ്സാക്കേണ്ടതു് ആവശ്യമാണു്. നമ്മുടെ സ്ത്രീ മെമ്പർ ഈ ബിൽ കൊണ്ടുവന്നിരിക്കുന്നതുകൊണ്ടു് ഒരുപക്ഷെ അവർ വിവാഹിതയായതുകൊണ്ടു്, മറ്റു സ്ത്രീകളുടെ കാര്യം ആലോചിക്കാതേയൊ, അതോ അവരുടെ മക്കൾക്കു സ്ത്രീധനം കൊടുക്കാതെകഴിക്കുവാൻവേണ്ടീട്ടുമായിരിക്കുമൊയെന്ന സംശയിക്കേണ്ടിയിരിക്കുന്നു. "പെണ്ണുകെട്ടിയാൽ കാലുകെട്ടി" യെന്ന ഒരു പഴമൊഴിയുണ്ടു്. അതനുസരിച്ചു പുരുഷന്റെ കയ്യിൽ കൊടുത്തേല്പിക്കുന്ന ഒരു പണമാണു് സ്ത്രീധനം. അതു സ്ത്രീയുടെ ഭാഗക്കാർ കൊടുക്കേണ്ടതാണു്. അതു കൊടുക്കുവാൻ പാടില്ലെന്നാണു് ഈ ബിൽകൊണ്ടു പറയുന്നതു്. എന്റെ ഒരു സ്നേഹിതൻ ഒരു സ്ത്രീയെ വിവാഹംകഴിക്കുന്നതായാൽ ൪,൦൦൦ ക. കൊടുക്കാമെന്നു് അദ്ദേഹത്തോടു ഒരാൾ പറയുകയുണ്ടായി. അപ്പോൾ സ്നേഹിതൻ പറഞ്ഞതു് ആ സ്ത്രീയെ ഞാൻ വിവാഹം കഴിക്കുന്നില്ല; ൪,൦൦൦ ക. യുടെ പകുതി ൨,൫൦൦ ക. തനിക്കു തന്നാൽ മതിയെന്നാണു്. പെണ്ണിനേയുംകൂടി കൊണ്ടുവരികയാണെങ്കിൽ ൪,൦൦൦ ക. കിട്ടുമെന്നു് പെണ്ണിന്റെ കക്ഷിക്കാരൻ പറഞ്ഞു. പെണ്ണിനെ എനിക്കുവേണ്ട; എന്ന നിലയിലാണു് സ്നേഹിതൻ പറയുന്നതു് (ചിരി) പിന്നെ ഈ കിഴ്ത്തിലുള്ള കരിഞ്ചന്ത എടുപ്പാടിനെപറ്റി നോക്കാം. കുസ്തീനികളുടെ ഇടയിൽ സ്ത്രീധനമെന്ന സംഖ്യയുടെ തോതനുസരിച്ചുള്ള ഈ ഒരു സംഖ്യ അവരുടെ പള്ളിയിൽ കൊടുക്കണം. അതിനു പൊത്തത്തിയെന്നൊ മറ്റൊ അതിനു പറയുന്നതെന്നു തോന്നുന്നു. അതനുസരിച്ചു് ൫,൦൦൦ ക. കൊടുക്കുന്നുണ്ടെങ്കിൽ ഈ ചിലവിന്റെ കണക്കുംകൂടി നോക്കിവരുമ്പോൾ ൨,൦൦൦ ക. യെ ഉണ്ടാവുകയുള്ളു. അതു ഒരു കരിഞ്ചന്ത എടുപ്പാടായിട്ടു കരുതാം. ആ കരിഞ്ചന്ത അന്നും, ഇന്നും ഉള്ളതാണു്. ഇപ്പോൾ ഈ ബിൽ പ്രകാരം ഡവറിസിസ്റ്റം നടത്താൻ പാടില്ല. എന്റെ മകൾക്കു് ഞാൻ എന്തെങ്കിലും വിലപിടിച്ച സാധനങ്ങൾ കൊടുക്കുകയാണെങ്കിൽ, ആ ഒരു കാര്യത്തിന്നു് എന്നെ പിടിച്ചു ശിക്ഷിക്കുകയാണെങ്കിൽ അതിൽപ്പരം അബദ്ധം മറെറന്താണു്. ഈ നിലക്കു് മേലുദ്യോഗസ്ഥന്മാരുമായി എന്തെങ്കിലും വഴക്കുണ്ടെങ്കിൽ ഈ ഒരു കാരണവും പറഞ്ഞു എന്നെപിടിച്ചു് ജയിലിലിക്കെ അയക്കുവാനും അവക്കു് വളരെ സൌകര്യമാണു്. ഇത്രവലിയ ഒരു കഷ്ടത സ്ത്രീസമുദായത്തോടു ചെയ്യുവാനായിട്ടു അവർ ഈ കാര്യത്തിൽ എന്തുപിഴച്ചുവെന്നാണു് ഞാൻ ചോദിക്കുന്നതു്. ആയതുകൊണ്ടു ബഹുമാനപ്പെട്ട തൃശ്ശിവപേരൂർ സ്ത്രീ നിയോജകമണ്ഡലത്തിലെ മെമ്പർ ഇതു് പിൻവലിക്കണമെന്നാണു് എനിക്കു അവരോടു പറയുവാനുള്ളതു്. ഇതു് ഇപ്പോൾ അവതരിപ്പിക്കേണ്ട; ഇനി വേറെയേതെങ്കിലും ഒരവസരത്തിൽ അവതരിപ്പിച്ചാൽ മതിയെന്നുമാത്രമെ എനിക്കു പറയുവാനുള്ളു.

The House for lunch at 1-25 P.M. and reassembled at 2-30 P.M. with the Panel Chairman Mr. A. V. Moothedan in the Chair.

റാവുസാഹിബു് എം. നാണുമേനോൻ: സർ, തൃശ്ശിവപേരൂർ വനിതാനിയോജകമണ്ഡലം മെമ്പർ അവർകളുടെ ഈ ബില്ലിനെ അനുകൂലിക്കുന്നതിൽ ഞാൻ പലദോഷങ്ങളും കാണുന്നുണ്ടു്. ഒന്നാമതു് അവരുടെ ബില്ലിൽ പറഞ്ഞിരിക്കുന്ന സംഗതിതന്നെ Dowry കാരണം വളരെ സ്ത്രീകൾ അവിവാഹിതകളായി ഭവിക്കുന്നു എന്നാണു്. നേരെമറിച്ചു ഈ തുവേണ്ടന്നുവെച്ചാലാണു് ധാരാളം സ്ത്രീകൾക്കും കല്ല്യാണം കഴിക്കുവാൻ നിവൃത്തിയില്ലാതെ വരുവാൻ ഇടയാകുന്നതു്. ഇതിനെല്ലാം പുറമെ, കോൺവെൻററിലാണു് ഇപ്പോൾ നൽസ്സ

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ള്ളതു"; കുറെകഴിഞ്ഞാൽ എല്ലാ വീടുകളിലും നൽസുണ്ടാകും. ഈ Dowry കൊടുക്കുന്നതു കൊണ്ടാണു് അവിവാഹിതകൾ ഇപ്പോഴും അധികമാകുന്നതു് എന്നാണു പറയുന്നതു്. അങ്ങിനെ പറയുന്നതിനു കുറവില്ല. ഇവിടെ Dowry പാടില്ലായെന്നു വെക്കുകയാണെങ്കിൽ ഇവിടെയുള്ള ക്രസ്ത്യാനികളിൽ അധികം പേരും തിരുവിതാംകൂറിൽ പോയി കല്ല്യാണം കഴിക്കും. ആ ഒരു സംഗതികൊണ്ടുതന്നെ ഇവിടത്തെ ക്രസ്ത്യാനികളെ സംബന്ധിച്ചിടത്തോളം അവിവാഹിതകൾ അധികമുണ്ടാകുവാൻ വഴിയുണ്ടു്.

പിന്നെ ഒന്നു എനിക്കു പറയുവാനുള്ളതു് എന്താണെന്നു വെച്ചാൽ ഈ ബിൽ ക്രസ്ത്യാനികൾക്കും, ബ്രാഹ്മണർക്കും, മുഹമ്മദീയർക്കും ആവശ്യമില്ല എന്നാണു് അവരുടെ പ്രതിനിധികൾ പറയുന്നതു്. നായന്മാർക്കു ഈ Dowry സമ്പ്രദായം ഇല്ല. അതുകൊണ്ടു് ഈ ബിൽ പാസാക്കേണ്ട ആവശ്യമില്ല. ഞാൻ ഇതിനെ ശക്തിയായി എതിർക്കുന്നു

ഖാൻ സാഹിബ്ബു് ഇസ്മായിൽഹാജി ഈസാസേട്ട്: മിസ്റ്റർ പ്രസിഡണ്ടു്, സർ, ഞാൻ ഈ ബില്ലിനെ അനുകൂലിക്കുവാനാണു് വിചാരിക്കുന്നതു്. ഈ ബിൽ മുഹമ്മദീയർക്കുവേണ്ട, ബ്രാഹ്മണർക്കുവേണ്ട ക്രസ്ത്യാനികൾക്കുവേണ്ട എന്നു പൊതുവെ പറഞ്ഞതുകൊണ്ടു അതു് ശരിയാണെന്നു വിചാരിക്കുവാൻ പാടില്ല. ഞാൻ എന്തുകൊണ്ടാണു് ഈ ബില്ലിനെ അനുകൂലിക്കുന്നു എന്നു വെച്ചാൽ ഇന്നു സ്ത്രീകളുടെ വിവാഹത്തിനു ഒരു വലിയ സംഖ്യകൊടുത്താൽ മാത്രമേ വിവാഹം നടക്കുകയുള്ളു എന്നുള്ളതുകൊണ്ടാണു്. ഇതും ക്രസ്ത്യാനികളിലും ബ്രാഹ്മണരിലും നായന്മാരിലും ഇന്നു നടപ്പുള്ളതാണു്.

മിസ്സിസ്സ് തങ്കമ്മ എൻ. മേനോൻ: നായന്മാരിലില്ല.

ഖാൻസാഹിബ്ബു് ഇസ്മായിൽഹാജി ഈസാസേട്ട്: നമ്പൂതിരിയിലും ക്രസ്ത്യാനികളിലു ബ്രാഹ്മണരിലും ഇതില്ലാതെ വിവാഹം നടക്കുകയില്ല. ഒരു കുടുംബത്തിൽ അച്ഛനമ്മമാർക്കു് പത്തോ പതിനഞ്ചോ അല്ലെങ്കിൽ അഞ്ചോ പത്തോ പെൺകുട്ടികൾ മാത്രം ജനിച്ചു എന്നുവെക്കുക. അങ്ങിനെ കൊടുക്കുന്നതു ദൈവമല്ലെ? ഈ പെൺകുട്ടികളെയെല്ലാം വിവാഹം ചെയ്യുകയാണെങ്കിൽ ഈ തരത്തിൽ പതിനായിരവും, അയ്യായിരവും, മൂവായിരവും ഉറുപ്പികവീതം കിട്ടണമെന്നു പറയുന്നതു് വാസ്തവത്തിൽ തീരെ ന്യായരഹിതമാണെന്നാണു് എനിക്കു തോന്നുന്നതു്. ചില സംഖ്യകൾ നിശ്ചയിച്ചു വിവാഹം കഴിക്കുന്നതു് പണമുള്ളവർക്കു സാധിച്ചു എന്നുവരാം. പക്ഷെ ജനങ്ങളിൽ ഭൂരിഭാഗവും സാധുക്കളാണു്. ഈ വിഷമതകൾകൊണ്ടു പെൺകുട്ടികളെ കല്ല്യാണം ചെയ്യുവാൻ നിവൃത്തിയില്ലാതിരിക്കുന്നതുകൊണ്ടു് പല അനിഷ്ടസംഭവങ്ങളും ചില കുടുംബങ്ങളിൽ ഉണ്ടായിക്കൊണ്ടിരിക്കുന്നതായി നാം കേൾക്കുന്നുണ്ടു്. വാസ്തവത്തിൽ ഇതിന്റെ കാരണം ഈ Dowry സമ്പ്രദായമാണു്. വിവാഹം കഴിക്കുന്ന ആളുകൾ വിദ്യാഭ്യാസവും മറ്റു രീതിയിലുള്ള യോഗ്യതയും കണ്ടു പിടിച്ചിട്ടാണു് വിവാഹം നിശ്ചയിക്കുന്നതു്. അങ്ങിനെ കഴിക്കുന്ന വിവാഹത്തിനു പിന്നെ Dowry യായിട്ടു ഒരു സംഖ്യകൊടുക്കേണ്ട ആവശ്യമുണ്ടോ? സ്ത്രീധനം അവർക്കു ജീവിക്കുവാൻവേണ്ടി കൊടുക്കുന്നതാണെന്നു ഇവിടെ പറയുകയുണ്ടായി. സ്ത്രീകളുടെ ധനമില്ലെങ്കിൽ ജീവിക്കുവാൻ സാധ്യമല്ലെ? ഭാര്യയുടെ പണംകൊണ്ടു പുരുഷൻ ജീവിക്കുവാൻ വിചാരിക്കുന്നതു് ശരിയായിട്ടുള്ള ഒരു പ്രവൃത്തിയാണോ എന്നാണു് ഞാൻ ചോദിക്കുന്നതു്. കല്യാണം കഴിക്കുന്ന ആളുകൾ പെണ്ണിന്റെ യോഗ്യത ബോദ്ധ്യപ്പെട്ടിട്ടാണു് വിവാഹം നിശ്ചയിക്കുന്നതു്. അങ്ങിനെ ബോദ്ധ്യപ്പെട്ടുകഴിഞ്ഞതിനുശേഷം സ്ത്രീയുടെ ധനത്തിനു ആശിക്കുന്നതിന്റെ ആവശ്യമെന്താണു്. വാസ്തവത്തിൽ ഇതിലുള്ള ബുദ്ധിമുട്ടു അനുഭവിക്കുന്നതു കൂടുതൽ സാധുക്കളാണു്. ഒരാൾ ഒരു പെൺകിടാവിനെ വളർത്തിക്കൊണ്ടുവന്നു് അതിനു ഭർത്താവിനെ അന്വേഷിച്ചു കണ്ടുപിടിക്കുമ്പോൾ പിന്നെ നോക്കേണ്ടിവരുന്നതു് പണമാണു്. ചിലർ അവർ പാർക്കുന്ന കുടുംബത്തെ കൂടി പണയമെഴുതിട്ടും, വിറ്റിട്ടും, അവരുടെ പെൺകുട്ടികളെ വിവാഹം കഴിക്കുവാൻ നിർബ്ബന്ധിതരായിതീരുന്നുണ്ടു്. എന്തുകൊണ്ടു? പണം കൊടുത്തില്ലെങ്കിൽ വിവാഹം കഴിക്കുവാൻ ആളില്ല.

മുസ്ലീമിങ്ങൾക്കു് Dowry കൊടുത്തു വിവാഹം കഴിക്കണമെന്നു നിയമമില്ല. ഞങ്ങളുടെ മതപ്രകാരം കല്യാണത്തിനു "മഹർ" എന്നു് പറഞ്ഞു് ഒരു സംഖ്യ പുരുഷൻ സ്ത്രീക്കു കൊടുക്കണമെന്നു നിർബന്ധം ഉണ്ടു്. എന്നാൽ മുസ്ലീം നിയമത്തിൽ Dowry കൊടുക്കണമെന്നു പറഞ്ഞിട്ടില്ല.

പിന്നെ ക്രസ്ത്യാനികൾക്കു്, അവരുടെ സ്ത്രീകൾക്കു അച്ഛന്റെ സ്വത്തിൽ അവകാശമില്ലാത്തതുകൊണ്ടാണു് ഇങ്ങിനെയുള്ള Dowryയെക്കുറിച്ചു ആശയുള്ളതു എന്നു തോന്നുന്നു. വാ

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സ്ഥിതിയിൽ എന്തുകൊണ്ട് അവരുടെ പെൺകുട്ടികൾക്ക് പുരുഷന്മാരെപോലെ ആളോഹരി കൊടുക്കുവാൻ പാടില്ല എന്നാണ് ഞാൻ ചോദിക്കുന്നത്. മുസ്ലീം ലാ പ്രകാരം പുരുഷന്റെ നേർ പകുതിക്കു സ്ത്രീകൾക്ക് അവകാശമുണ്ട്.

മിസ്റ്റർ ടി. പി. പെരുമോസ്: എന്തുകൊണ്ടാണ് സമമായിട്ട് കൊടുക്കാത്തത്?

ഖാൻ സാഹിബ് ഇസ്മായിൽ ഹാജി ഇസാസേട്ട്: ഇനി നായന്മാരെ സംബന്ധിച്ചിടത്തോളം പറയാം. നായന്മാക്കാണെങ്കിൽ തമ്പുരാക്കന്മാരെ വിവാഹം കഴിക്കുവാനാണ് ഇഷ്ടം. പതിനായിരം ഉറുപ്പികയും ബങ്കളാവും പണിയിച്ചുകൊടുത്താലെ തമ്പുരാക്കന്മാരെ കിട്ടുകയുള്ളു. നമ്മുടെ കൊച്ചിൻ സ്റ്റേറ്റിൽ ധാരാളം നായന്മാർ അങ്ങനെ കൊടുത്തുകൊണ്ട് വിവാഹം കഴിച്ചിട്ടുണ്ട്. ഇതുപ്രകാരം കൊടുത്തു വിവാഹം കഴിക്കുവാൻ സാധുക്കളായ നായന്മാക്ക് സാധിക്കുമോ? അതുകൊണ്ട് ഈ ബിൽ വാസ്തവത്തിൽ ഏറ്റവും അത്യാവശ്യമാണ്. ഈ ബിൽകൊണ്ട് കൂടുതൽ ഗുണം സാധുക്കളായ ജനങ്ങൾക്കാണ് ഉണ്ടാകുവാൻ പോകുന്നത്. അതുകൊണ്ട് ഞാൻ ഈ ബില്ലിനെ ബലമായി പിന്താങ്ങുന്നു.

* മിസ്റ്റർ ടി. എ. രാമചന്ദ്രയ്യർ : മിസ്റ്റർ ചെയർമാൻ, ഈ ബില്ലിൽ ഉദ്ദേശിച്ചിരിക്കുന്ന സംഗതികൾ ആ ഉദ്ദേശപ്രകാരം നടക്കുകയാണെങ്കിൽ വിരോധമില്ല. ആ ഉദ്ദേശത്തിനു എതിരായിട്ടാണ് ഇവിടെ നിർദ്ദേശിച്ചിരിക്കുന്നത്. Dowry എന്നു പറയുന്നതു സ്ത്രീധനമാണ്. ഒരു ബ്രാഹ്മണകുടുംബത്തിൽ ഒരു പെൺകുട്ടി വിവാഹിതയായാൽ പിന്നെ ആ കുട്ടിക്ക് അച്ഛന്റെ സ്വത്തിൽ അവകാശമില്ല. ഈ കുട്ടിക്ക് യാതൊന്നും കൊടുക്കുവാനും പാടില്ല. ഇങ്ങിനെ വന്നാൽ അതു എങ്ങിനെ കഴിഞ്ഞുകൂടും? പെൺകുട്ടിക്ക് അച്ഛന്റെ സ്വത്തിൽ അവകാശമുണ്ടെങ്കിൽ യാതൊന്നും കൊടുക്കണ്ട എന്നു പറഞ്ഞാൽ എനിക്ക് വിരോധമില്ല. അതുകൊണ്ട് ആദ്യമായിട്ട് പെൺകുട്ടികൾക്ക് അച്ഛനമ്മമാരുടെ സ്വത്തിൽ ആൺകുട്ടികൾക്കുള്ളതുപോലെയുള്ള അവകാശമുണ്ടെന്നു നിയമമാക്കണം. അതിനുശേഷം ഇതുപോലെയുള്ള ഒരു ബിൽ വരുകയാണെങ്കിൽ ഇതിനെ അനുകൂലിക്കുന്നതിനു എനിക്ക് വിരോധമില്ല.

മിസ്സിസ്സ് തങ്കമ്മ എൻ മേനോൻ : അതിനു ഹിന്ദു ലാ അമൻറ് ചെയ്യുക

*മിസ്റ്റർ ടി. എ. രാമചന്ദ്രയ്യർ : ഹിന്ദു ലാ അമൻറ് ചെയ്തതിനുശേഷം ഈ ബിൽ കൊണ്ടുവരുകയാണെങ്കിൽ അതിനർത്ഥമുണ്ട്. അല്ലെങ്കിൽ ബ്രാഹ്മണരുടെ കുട്ടികൾ കഷ്ടത്തിൽ ആകും. പിന്നെ Dowry കൊടുക്കുന്ന സമ്പ്രദായമുള്ളതുകൊണ്ട് അവിവാഹിതകളായ പെൺകുട്ടികളുടെ സംഖ്യ വളർന്നുവരുന്നു എന്നു ഇവിടെ പറയുകയുണ്ടായി. അതിനു Dowry പാടില്ല എന്നു വെക്കുകയല്ല വേണ്ടത്. പുരുഷന്മാർ ഇത്ര വയസ്സായാൽ വിവാഹം കഴിച്ചുകൊള്ളണം എന്നു ഒരു നിയമംമൂലം നിർബ്ബന്ധിക്കുകയാണ് അതിനു വേണ്ടത്.

മിസ്റ്റർ കെ. എസ്സ്. പണിക്കർ : സർ, ഇംഗ്ലീഷിൽ സംസാരിക്കുവാൻ വശതയുള്ള ആളുകൾ ഇംഗ്ലീഷിൽതന്നെ സംസാരിച്ചുകൊള്ളണമെന്നുണ്ട്.

The business of the Council shall be transacted in English but any member unable to speak in English may address in Malayalam. The Hon'ble Member for Nellayi was speaking here in Malayalam and he knows English.

Mr. Panel Chairman : The member may continue in Malayalam.

മിസ്റ്റർ ടി. എ. രാമചന്ദ്രയ്യർ: ഈ വിഷയത്തെപ്പറ്റി എനിക്ക് ആംഗ്ലേയഭാഷയിൽ സംസാരിക്കുവാൻ സാധിക്കുന്നതല്ല. അതുകൊണ്ട് ഞാൻ മലയാളത്തിൽ സംസാരിക്കുന്നു എന്നെയുള്ളു. അതുകൊണ്ട് എനിക്കുള്ള ഒരപേക്ഷ എന്താണെന്നുവെച്ചാൽ ബഹുമാനപ്പെട്ട ലേഡിമെമ്പർ തല്ക്കാലം ഈ പിൻവലിക്കുക; പിന്നീട് Hindu Law അമൻറ് ചെയ്തതിനുശേഷം ഒരു ബിൽ കൊണ്ടുവരികയായിരിക്കും നല്ലതെന്നാണ് എന്റെ അഭിപ്രായം.

മിസ്റ്റർ സി. കെ നായർ: സർ, ഞാനും ഈ ബില്ലിനെ എതിർക്കുന്നു. Dowry കൊടുക്കുന്നതിനെ തടയുകയാണ് ഈ ബില്ലിന്റെ ഉദ്ദേശം. Dowry എന്ന പദത്തിനു ഇന്നത്തെ ആചാരത്തെ അടിസ്ഥാനപ്പെടുത്തി പറഞ്ഞാൽ ഒരു പുരുഷൻ ഒരു സ്ത്രീയെ വിവാഹം ചെയ്യണമെങ്കിൽ സ്ത്രീയുടെ പക്ഷക്കാർ പുരുഷനു കൊടുക്കുന്ന പ്രതിഫലം എന്നു അർത്ഥം

*Speech not corrected by the Hon'ble Member.

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പറയേണ്ടിയിരിക്കും. മലയാളത്തിൽ Dowry കൊടുക്കൽ ഉണ്ടെന്നു എനിക്കു തോന്നുന്നില്ല. ഇവിടെ കൊടുക്കുന്നതു സ്ത്രീധനമാണു്. സ്ത്രീധനം എന്നാൽ സ്ത്രീയുടെ ധനമെന്നാണു് അർത്ഥം. ഇപ്പോൾ സ്ത്രീധനം കൊടുക്കലിന്നു സ്ത്രീക്കു സ്വന്തം കുടുംബത്തിൽനിന്നു കിട്ടുവാൻ അവകാശമുള്ള ഒരു സംഖ്യ അവർക്കു കൊടുക്കുക എന്നേ അർത്ഥമുള്ളു. ഇതാണു് സ്ത്രീധനത്തിന്റെ ശരിയായനില. രണ്ടുമാതിരിയിലുള്ളസമുദായമെ കൊച്ചീരാജ്യത്തുള്ളു. ദായക്രമം മക്കത്തായമുള്ളതാണെന്നു്. മരുമക്കത്തായക്കാരാണു് മറ്റൊന്നു്. മക്കത്തായവിഭാഗത്തിലെ ഒരു സ്ത്രീ വിവാഹിതയായാൽ, ആ ദായക്രമാചാരമനുസരിച്ചു് ആ സ്ത്രീ ഭർത്തൃഗൃഹത്തിലെ ഒരംഗമായിതീരുന്നു. മിസ്റ്റർ രാമചന്ദ്രയ്യർ പറഞ്ഞപോലെ, സ്വന്തം കുടുംബത്തിലെ സ്വത്തിനെസംബന്ധിച്ചുള്ള അധികാരാവകാശങ്ങൾ ആ സ്ത്രീക്കു നഷ്ടപ്പെടുന്നു. പിതൃസ്വത്തിൽ തനിക്കുള്ളതും ഉണ്ടാകേണ്ടതുമായ ന്യായവും സ്വാഭാവികവുമായ അവകാശാധികാരങ്ങൾ നഷ്ടപ്പെടുകയെന്ന പരിതാപകരമായ ഈ നിലയിൽനിന്നും പെൺമക്കളെ രക്ഷിക്കുന്നതിന്നായിട്ടാണു് പിതാക്കന്മാർ സ്ത്രീധനം നല്കാൻ മുതിരുന്നതു്. സ്ത്രീധനദാനസമ്പ്രദായം എന്റെ ഈ അഭിപ്രായത്തെ അനുകൂലിക്കുന്നുമുണ്ടു്. സ്ത്രീധനം ചോദിക്കുവാനുള്ള അവകാശം വരപക്ഷത്തേക്കുള്ളതാണെങ്കിലും ഉഭയസമ്മതപ്രകാരമാണതു് തീരുമാനിക്കപ്പെടാവു്. ഇങ്ങിനെ നിർണ്ണയിക്കപ്പെട്ട സംഖ്യയിൽ ഒരുഭാഗം വധുവിന്നു്. ആ ഭരണമായും മറ്റൊരുഭാഗം അവർക്കു് വിട്ടുപാത്രങ്ങളായും നല്കുകയാണു പതിവു്. ബാക്കിസംഖ്യ വരപക്ഷത്തേക്കു് റൊക്കമായും നല്കുന്നു. വിവാഹാവസരത്തിൽ മകളെ ആഭരണമണിയിച്ചയക്കുവാൻ മാതാപിതാക്കന്മാർ മടികാണിക്കാറില്ല. സ്ത്രീധനത്തിൽ പാത്രങ്ങൾക്കുള്ള സ്ഥാനം, തന്റെ മകൾ ഭർത്താവൊന്നിച്ചു് പ്രത്യേകമായ ഒരു ഗൃഹത്തിലധിവസിക്കാനാണു് പോകുന്നതെന്ന പിതാവിന്റെ ബോധ്യത്തിന്റെ പ്രത്യക്ഷലക്ഷ്യമാകുന്നു. ഇതുസമ്മതിച്ചുതരുമെങ്കിൽ, ഗൃഹനിർമ്മാണം പാത്രങ്ങളൊഴികയുള്ള വീട്ടുസാമാനങ്ങൾ എന്നിവക്കു വേണ്ടിവന്നേക്കാവുന്ന ചിലവിലേക്കു് തന്നാലാകുന്നതു വരെ എല്ലിക്കലത്തെ സ്ത്രീധനത്തിലെ ധനദാനം. ഇതൊക്കെസമ്മതിക്കുന്നവർപോലും ചോദിക്കും, സ്ത്രീധനമാവശ്യപ്പെടുന്നതിന്നും വേണ്ടെ ഒരതിരെന്നു്. രാജകോവിലകത്തെകൊച്ചുതമ്പുരാക്കന്മാരോടു കിടപിടിക്കുന്നവർതന്നെവേണം ജാമാതാക്കളായിട്ടെന്നു വിചാരിക്കുന്ന പിതാക്കളോടു് തന്റെ സ്ഥാനമാനങ്ങൾ അനുസരിച്ചുവേണം വധുവിനെ അയച്ചുതരാനെന്നു് വരന്മാരാവശ്യപ്പെടുന്നതു് നീതിമാത്രമാണെന്നെ എനിക്കവരോടു പറയാനുള്ളു. ദായക്രമം മരുമക്കത്തായമുള്ള സമുദായങ്ങളെകുറിച്ചാണിനി ചിന്തിക്കേണ്ടതു്. ഇവരുടെ ഇടയിൽ അടുത്തകാലത്തുമാത്രം കടന്നുകൂടിയിട്ടുള്ളതും ഇന്നും സർവ്വസാധാരണമായിട്ടില്ലാത്തതുമായ ഒരാചാരവിശേഷമാണു് സ്ത്രീധനദാനം. മക്കത്തായികളെപ്പോലെ വിവാഹിതയായ സ്ത്രീയുടെ കുടുംബത്തിൽ അവർക്കുള്ള അധികാരം മരുമക്കത്തായവിഭാഗക്കാർക്കു നഷ്ടപ്പെടാറില്ല. അതുകൊണ്ടുതന്നെയായിരിക്കും മരുമക്കത്തായ കുടുംബങ്ങളിൽനിന്നും സ്ത്രീധനം കൊടുക്കാറില്ലാത്തതും. അതെ, ഇവരുടെ ഇടയിൽ ആരെങ്കിലും സ്ത്രീധനം കൊടുക്കുന്നുണ്ടെങ്കിൽ അതു് സ്വകാര്യസ്വത്തുമായുള്ളശത്രുതനാണെന്നുള്ളതു പരസ്യമാണു്. ഇവിടെയും പിതൃസ്വത്തിൽ മകൾക്കു അവകാശമാണു് തെളിഞ്ഞുകാണുന്നതു്. ഈ അവകാശത്തെയാണു് ഈ നിയമം തടയുന്നതു്. ഇതിനെ എങ്ങിനെ നീതികരിക്കാം.

ഈ നിയമം പാസ്സാകുന്നെന്നുവെക്കുക. എന്താണതിന്റെ ഭാവി. നിയമം, സ്വാതന്ത്ര്യത്തെ നിഹനിക്കുന്നതാണെങ്കിൽ, ലംഘിക്കപ്പെടുമെന്നുള്ളതനുഭവമാണു്. ഈ നിയമവും ലംഘിക്കപ്പെടുകതന്നെചെയ്യും. അതെ; വാങ്ങുന്നവരും കൊടുക്കുന്നവരും വാങ്ങിയെന്നോ കൊടുത്തു എന്നോ പറയാതെ വിവാഹം നടത്തും. കാരണം, പെൺകുട്ടികളെ വിവാഹംചെയ്തുകൊടുക്കാതിരിക്കാൻ രക്ഷിതാക്കന്മാർക്കുണ്ടോ മനസ്സുവരുന്നു. ഒരു സ്ത്രീ വിവാഹപ്രായത്തിലെത്തിയാൽ ആ സ്ത്രീയുടെ മാതാപിതാക്കന്മാർ അതിനുവേണ്ടി ശ്രമിക്കലായി. പണംകൊടുത്താലെ വിവാഹത്തിന്നു ആളെ കിട്ടുള്ളുവെങ്കിൽ പണംകൊടുക്കാതെ നിവൃത്തിയില്ല. വിവാഹംകഴിക്കുമ്പോൾ സ്ത്രീധനം വാങ്ങാതിരിക്കണമെന്നബോധം പുരുഷന്മാരിൽ ഉണ്ടായിതീരുംവരേയെങ്കിലും, അല്ലെങ്കിൽ ഒരു ക്ലിപ്തവയസ്സിന്നുശേഷം പുരുഷന്മാർ വിവാഹം ചെയ്യാതിരിക്കുന്നതു് ശിക്ഷാർഹമായ കുറ്റമാണെന്നു നിയമം ശാസിക്കുംവരെയെങ്കിലും പുരുഷന്മാർ സ്ത്രീധനമാവശ്യപ്പെട്ടാൽ സ്ത്രീയുടെ മാതാപിതാക്കന്മാർക്കു് അതുകൊടുക്കാതെ തരമില്ല. അതു് നിയമംമൂലം അരുതു് എന്നുവിലക്കിയാൽ സ്വകാര്യമായി അതു് നടന്നേകഴിയു.

മിസ്റ്റർ ടി. എ രാമചന്ദ്രയ്യർ: സ്ത്രീധനം വാങ്ങരുതെന്നു പുരുഷന്മാരെ നിർബ്ബന്ധിക്കുവാൻ നിയമമില്ല. ഉണ്ടാകുവാൻ പോകുന്നുമില്ല.

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മിസ്റ്റർ പി. കുമാരനെഴുത്തശ്ശൻ ആരുപറഞ്ഞു!

മിസ്റ്റർ സി കെ. നായർ: എന്നാൽ അതാണ് ആദ്യം വേണ്ടത്. അതിനാദ്യശ്രദ്ധം വേണം ഇതു്.

അതുകൊണ്ടു പെൺകുട്ടികൾക്കു ന്യായമായി അവകാശപ്പെട്ട സ്വത്തു കിട്ടുന്നതിനു് തടസ്സംചെയ്യുന്നതായ ഈ നിയമം നടപ്പിൽവരുത്താതിരിക്കയായിരിക്കും അധികം നല്ലതു എന്നുമാത്രമേ ഞാൻ പറയുന്നുള്ളു.

* മിസ്റ്റർ പി. നാരായണമേനോൻ: സർ, ഞാൻ ഈ ബ്ല്ലിന്റെ തത്വത്തോടു് പരിപൂർണ്ണമായിട്ടു് ജോജിക്കുന്നു. സ്ത്രീധനം കൊടുക്കുകയെന്നു് പറയുമ്പോൾ അതു് ആരാണു് കൊടുക്കുന്നതു്, എന്തിനാണു് കൊടുക്കുന്നതു്, എങ്ങിനെയുള്ള ഘട്ടത്തിലാണു് കൊടുക്കേണ്ടിവരുന്നതു് എന്നെല്ലാമുള്ള സംഗതികളെപ്പറ്റി ആലോചിക്കുമ്പോൾ വൈവാഹികജീവിതത്തെ കുറിച്ചു് ഒരു വ്യക്തിക്കു് പരിപൂർണ്ണമായ സ്വാതന്ത്ര്യം ഇല്ലാതെ കണ്ടുവരുന്ന അവസരങ്ങളിൽ മാത്രമേ സ്ത്രീധനത്തെ സംബന്ധിച്ചുള്ള ഒരു പ്രശ്നം നേരിടുകയുള്ളുവെന്നു് വ്യക്തമാണു്. വൈവാഹികജീവിതത്തിൽ പെടുന്നതു പലിയൊരു ചുമതലയുള്ള പ്രവൃത്തിആയിരിക്കുന്നേടത്തോളം കാലം സ്ത്രീധനം ക്രടാതെകണ്ടു് കഴിച്ചുകൂട്ടുവാൻ സാധിക്കുകയില്ലെന്നു് പറയുന്നതിന്റെ താല്പര്യം മനസ്സിലാക്കുവാൻ എനിക്കു് സാധിക്കും. ഒരു വ്യക്തിക്കു് തന്റെ ഭാര്യയേയോ അതല്ലെങ്കിൽ തന്റെ ഭർത്താവിനേയോ സ്വയം വരിക്കുന്നതിനുള്ള സ്വാതന്ത്ര്യമുണ്ടെങ്കിൽ അതു് ഒരിക്കലും സ്ത്രീധനത്തിന്റെ കാര്യത്തിൽ തടസ്സമായി നില്ക്കാറില്ല. ഒരു വ്യക്തിയുടെ ഭാര്യ ഇന്നസ്ത്രീയായിരിക്കണമെന്നും അല്ലെങ്കിൽ ഒരു വ്യക്തിയുടെ ഭർത്താവു് ഇന്ന ആളായിരിക്കണമെന്നു് തീരുമാനിക്കുവാൻഉള്ള അവകാശമുണ്ടായാൽ പിന്നെ സ്ത്രീധനത്തിന്റെ കാര്യം അത്ര ഗൌനിക്കാറില്ല. സ്ത്രീപുരുഷന്മാർതമ്മിൽ സ്വയം വരിക്കുവാനുള്ള സ്വാതന്ത്ര്യമുള്ള എല്ലാ സമുദായങ്ങളിലും ഈ സ്ത്രീധനം ഒരിക്കലും തടസ്സമായിവരികയില്ല. നേരെമറിച്ചു് വൈവാഹികബന്ധത്തിനുള്ള അധികാരം മാതാപിതാക്കന്മാരിൽതന്നെയിരിക്കുന്ന ചില സമുദായങ്ങളിൽ ഈ പ്രശ്നം ഒരു വലിയ പ്രശ്നം തന്നെയാണു്. അതുകൊണ്ടു് ഈബില്ലിൽ നിർദ്ദേശിക്കുന്നതു് ഓരോ വ്യക്തിക്കും വൈവാഹികജീവിതത്തിൽ അവരവർക്കു് പരിപൂർണ്ണമായ സ്വാതന്ത്ര്യം ഉണ്ടായിരിക്കണമെന്നുള്ളതാണു്. ആ അധികാരം മറ്റാർക്കും പാടില്ലെന്നുള്ളതാണു് അങ്ങിനെയുള്ള സ്വാതന്ത്ര്യം ഒരുവ്യക്തിക്കു് ഉള്ളേടത്തോളംകാലം സ്ത്രീധനം ആവശ്യപ്പെടുകയില്ലെന്നു് മാത്രമല്ല, മേലിൽ എന്തുതന്നെയുണ്ടായാലും താൻ ഭാര്യയായി സ്വീകരിക്കുവാൻ നിശ്ചയിച്ചിട്ടുള്ള സ്ത്രീക്കുവേണ്ടി തന്റെ സർവ്വസ്വവും ഉപേക്ഷിച്ചിട്ടും ആ സ്ത്രീയെതന്നെ ഭാര്യയായി സ്വീകരിക്കുവാൻ പുരുഷനും, അതുപോലെതന്നെ തന്റെ സർവ്വസ്വവും ഉപേക്ഷിച്ചു് തന്റെ സ്വമനസ്സാൽ നിശ്ചയിച്ചിട്ടുള്ള പുരുഷനെ സ്വീകരിക്കുന്നതിനുള്ള സ്വാതന്ത്ര്യം സ്ത്രീക്കും ഉണ്ടായിരിക്കണമെന്നുള്ളതാണു്. ഏതാണ്ടു് അടുത്തകാലത്തു് സൂര്യൻ അസ്തമിക്കാത്ത ഏറ്റവും വലിയ ഒരു സാമ്രാജ്യത്തെപോലും തൃണവൽഗണിച്ചു് ഒരു സ്ത്രീയെവിവാഹം ചെയ്യുന്നതിനു് വേണ്ടി ഒരു പുരുഷകേസരി കാണിച്ച ധീരതയെപ്പറ്റി നമുക്കു് മനസ്സിലാക്കുവാൻ സാധിക്കുന്നതാണു്. അതുപോലെ ആരെയാണു് ഭാര്യയായിട്ടു സ്വീകരിക്കേണ്ടതു്, ആരെയാണു് ഭർത്താവായിട്ടു് സ്വീകരിക്കേണ്ടതു്, എന്നുള്ള സംഗതിയെപ്പറ്റി തീർച്ചയാക്കുന്നതിനുള്ള പരിപൂർണ്ണഅധികാരം അതാതുവ്യക്തികൾക്കുള്ളേടത്തോളം കാലം, ആ വ്യക്തികൾ തമ്മിൽ പണസംബന്ധമായ യാതൊരു ആലോചനയും കൂടാതെ കാര്യം നിർവ്വഹിക്കുമെന്നുള്ളതിൽ യാതൊരു സംശയവുമില്ല. ഇങ്ങിനെയുള്ള സ്വാതന്ത്ര്യം ഉണ്ടായിരിക്കണമെന്നാണു് എന്റെ ആഗ്രഹം. നേരെമറിച്ചു് വൈവാഹികബന്ധത്തിൽ പെടുത്തുവാനുള്ള അധികാരവും, അവകാശവും പുറമെയുള്ളവർക്കു് ഉണ്ടായിരിക്കുന്നേടത്തോളം കാലം വൈവാഹികജീവിതം ഒരിക്കലും സുഖകരമായിരിക്കുകയില്ല. യൂറോപ്പിലും, അമേരിക്കയിലും മറ്റും വൈവാഹിക വേർപാടു് ധാരാളം നടക്കുന്നുണ്ടു്. ഇവിടെ അങ്ങിനെയുള്ള വൈവാഹിക വേർപാടുകൾ നടക്കുന്നില്ല; അതുകൊണ്ടു് ഇവിടത്തെ വൈവാഹികജീവിതത്തിലെ നിയമങ്ങളും, നടപടികളും അവിടത്തെക്കാൾ കുറെക്കൂടി പ്രശംസാവഹമായിട്ടുള്ളതാണെന്നു് ആരോ, ഇവിടെ പ്രസ്താവിക്കുകയുണ്ടായി. അതു് തീരെ തെറ്റാണു്. അവർക്കു് ഒരു വ്യക്തിയെന്ന നിലക്കു് താൻ ഭർത്താവായിട്ട സ്വീകരിച്ചിട്ടുള്ള പുരുഷനേയോ, അതല്ലെങ്കിൽ പുരുഷൻ ഭാര്യയായി സ്വീകരിച്ചിട്ടുള്ള സ്ത്രീയേയോ തക്കതായ കാരണങ്ങളിന്മേൽ ഇഷ്ടമില്ലെന്നു തോന്നുകയാണെങ്കിൽ ഉപേക്ഷിക്കുവാനുള്ള സ്വാതന്ത്ര്യമുണ്ടു്. നേരെമറിച്ചു് നമുക്കു് ആ സ്വാത

*Speech not corrected by the Hon'ble Member.

LIBRARY ARCHIVES Kerala Legislative Assembly

ന്ത്യമില്ല. പണത്തിന്നുവേണ്ടിയുള്ള മോഹത്താൽ വ 0 വയസ്സിന്നപ്പുറത്തുള്ള ചില വൃദ്ധന്മാ ക്ക് ഫന്ു വയസ്സിൽ താഴെയുള്ള സ്ത്രീകളെ വിവാഹം ചെയ്യ കൊടുക്കാവുള്ള അനുഭവങ്ങൾ നമ്മുടെ രാജ്യത്തു് ധാരാളമുണ്ട്. ഈ ഫന്ു വയസ്സിൽ താഴെയുള്ള ഒരു പെൺകുട്ടി വ 0 വയസ്സിന്നപ്പുറത്തുള്ള ഒരു വൃദ്ധനെ ഹൃദയപൂർവ്വകമായി സ്നേഹിക്കുമെന്നു് വിചാരിക്കുന്നതി ന്നോ ആ സ്ത്രീ മരിക്കുന്നതുവരെ ആ പുരുഷൻ തന്റെ ഭർത്താവായി ഇരുന്നാൽ കൊള്ളാമെ ന്നു് മോഹിക്കുമെന്നോ വിചാരിക്കുവാൻ ന്യായം കാണുന്നില്ല. ഈ വൃദ്ധനും, ഈതരുണി യും തമ്മിലുള്ള വിവാഹം യഥാർത്ഥത്തിലുള്ള ഒരു വിവാഹമല്ല. ഇങ്ങിനെയുള്ള ഒരു ശപിച്ച ജീവിതത്തിൽ നിന്നു് മോചിപ്പിക്കപ്പെടുവാൻ നമ്മുടെ നിയമത്തിൽ യാതൊരു മാർഗ്ഗം സ്ത്രീ കൾക്കു് കാണുന്നില്ല. തന്നിമിത്തം നമ്മുടെ രാജ്യത്തുള്ള ചില സ്ത്രീകൾ അവരുടെ ജീവിതം അധഃപതിച്ചുപ്പെടേണ്ടിവരുന്നു. ഈ ഒരു സംഗതി പ്രത്യേകം ഓർമ്മിക്കേണ്ടതാണു്. നേ രെമറിച്ചു് വിവാഹംചെയ്യുന്നതിന്നും, വിവാഹം മോചിപ്പിക്കപ്പെടുന്നതിന്നും, പരിപൂർണ്ണമായ സ്വാതന്ത്ര്യം ഉണ്ടായിരിക്കുന്നേടത്തോളം കാലം ഇങ്ങിനെയുള്ള കഴപ്പുങ്ങൾക്കൊന്നും ഇടവ രികയില്ലെന്നാണു് എനിക്കു് തോന്നുന്നതു്. അതുകൊണ്ടു് ഈ ബില്ലിന്റെ തത്വത്തെസംബ ന്ധിച്ചേടത്തോളം ഞാൻ പരിപൂർണ്ണമായിട്ടു് യോജിക്കുന്നു. പക്ഷെ, ഇതിന്റെ രൂപീകര ത്തിൽ ചില ഭേദഗതികൾ ചെയ്യേണ്ടതുണ്ടെന്നു സമ്മതിക്കാതെകണ്ടു് നിവൃത്തിയില്ല. ഈ തത്വം അംഗീകരിച്ചാൽ അതിന്നുയോജിച്ച വിധത്തിലുള്ള ഭേദഗതികൾചെയ്തു ഇതു നിയ മമാക്കുവാൻ ഇതിന്റെ മുഖർ സാധിക്കുമോ എന്നുള്ളതാണു് ആലോചിക്കേണ്ടതു്. ഇന്ന ത്തെ രീതിയിൽ ഇതു് അങ്ങിനെതന്നെ പ്രായോഗികമാക്കിത്തീർക്കുവാൻ സാധിക്കുമെന്നു് എനിക്കു് തോന്നുന്നില്ല. പക്ഷെ, നമ്മുടെ പലനിയമങ്ങളും ഇതുപോലെ പ്രായോഗികമല്ലാ തെ കണ്ടാണിരിക്കുന്നതു്. സാധനങ്ങളുടെവില നിയന്ത്രണത്തിൽ പലനിയമങ്ങളുമുണ്ടു്. ആ നിയമങ്ങളെല്ലാം നമുക്കു് പരിപൂർണ്ണമാക്കിത്തീർക്കുവാൻ സാധിച്ചിട്ടില്ല, അതുപോലെത ന്നെകള്ളുഷാപ്പുകളെപ്പറ്റിയുള്ള അബ്കാരിനിയമങ്ങളും പ്രായോഗികമാക്കാതെയാണിരിക്ക ന്നതു്. ഈ നിയമങ്ങളെല്ലാം പ്രായോഗികമല്ലെന്നുള്ളതിന്നു ഗവർമ്മെണ്ടുതന്നെ ഉദാ ഹരണമാണു്. (ഹിയർ, ഹിയർ.) ഇതു് നമ്മുടെ സപ്ലൈസ്സു് ഡിപ്പാർട്ടുമെണ്ടിനെപ്പോലെ യോ എക്സൈസ്സു് ഡിപ്പാർട്ടുമെണ്ടിനെപ്പോലേയോ വെറുതെ പേരിന്നുനിയമമുണ്ടാക്കി കടലാസ്സും അച്ചടിക്കുവാനുള്ള ബുദ്ധിമുട്ടമെല്ലാം സഹിച്ചു് ഇതു് പ്രായോഗികമാക്കാതിരിക്കരു തെന്നാണു് എന്റെ അപേക്ഷ. ഇതിന്നുമുമ്പു് ഇവിടെ വേറെയൊരു ബിൽ പാസ്സായി ട്ടുണ്ടു്. ചൈൽഡ്മേരേജു് റിസ്ട്രിക്ഷൻ ബിൽ എന്നാണു് അതിന്റെ പേർ, അതു് ന ടപ്പിൽവന്നിട്ടും പ്രായോഗികമായിട്ടുണ്ടോയെന്നാണു് എനിക്കു് സംശയമുള്ളതു്.

മിസ്റ്റർ ടി. പി. പെരുമ്പാലോസ്സു്: അതു് നടപ്പിൽ വന്നിട്ടുണ്ടു്.

മിസ്റ്റർ പി. നാരായണമേനോൻ: അതുനടപ്പിൽവരുത്തുന്നതിന്നുവേണ്ടിയാണു് ആ ബിൽ കൊണ്ടുവന്നിട്ടുള്ളതെന്നുതോന്നുന്നുണ്ടു്. എന്നാൽ പ്രായമാകാത്ത പെൺകുട്ടികളെ വിവാഹം ചെയ്യുതിനെ സംബന്ധിച്ചു് ആരെയെങ്കിലും വല്ല അറ്റാക്ഷൻ ഗവർമ്മെണ്ടു് എടു ത്തിട്ടുണ്ടോ?

മിസ്റ്റർ പി. കുമാരനെഴുത്തച്ഛൻ: ആരും നിയമം ലംഘിച്ചിട്ടില്ല.

മിസ്റ്റർ പി. നാരായണമേനോൻ: ആ ബിൽ പാസ്സായി നിയമമായിട്ടുണ്ടെങ്കിൽ ഞാൻ അതിനോടുപരിപൂർണ്ണമായിട്ടുയോജിക്കുന്നു. മാതാപിതാക്കന്മാർക്കു് ഈ കാര്യത്തിൽ ചുമതലയുണ്ടെങ്കിലും, വൈവാഹികജീവിതത്തിൽ പ്രവേശിക്കണമെന്നുണ്ടെങ്കിൽ, അതിന്നു് എങ്ങിനെയുള്ള ഒരു ഭാവിയാണു് ഉണ്ടായിരിക്കേണ്ടതെന്നും, എങ്ങിനെയുള്ള ഭർത്താവിനെ യാണു് സ്ത്രീ സ്വീകരിക്കേണ്ടതെന്നും, അതുപോലെ എങ്ങിനെയുള്ള ഭാര്യയെയാണു് പുരുഷൻ സ്വീകരിക്കേണ്ടതെന്നുമെല്ലാം നോക്കേണ്ടതിന്നുള്ള പരിപൂർണ്ണസ്വാതന്ത്ര്യം യുവതീയുവാക്ക ന്മാർക്കാണു് ഉള്ളതെന്നു് ഈ ബിൽ പാസ്സായാൽ വ്യക്തമാകുന്നതാണു്. ഈ നിലക്കു് എ നിക്കുണ്ടായിരുന്ന ചില സംശയങ്ങളുംകൂടി തീർന്നുപോയിരിക്കുന്നു. അതുകൊണ്ടു് ഞാൻ ഈ ബില്ലിനെ പരിപൂർണ്ണമായിട്ടു് അനുകൂലിക്കുന്നു. ഇങ്ങിനെയുള്ള ഒരു ബിൽ പാസ്സാകാ തെകണ്ടിരുന്നാൽ അതുവലിയൊരുകഷ്ടംകൂടിയാണെന്നുള്ള അഭിപ്രായം എനിക്കുണ്ടു്. പ ക്ഷെ, ഈ സംഗതിയിൽ കുറെ മാറ്റം വരുത്തേണ്ടതുള്ളതുകൊണ്ടു് ഇതു് ഒരു സിലക്ടു്കമ്മറ്റി യെ ഏല്പിക്കണമെന്നുള്ള അഭിപ്രായത്തോടുകൂടി ഞാൻ തല്ക്കാലം വിരമിച്ചുകൊള്ളുന്നു.

മിസ്റ്റർ എം. കൃഷ്ണമേനോൻ: സർ, ഞാൻ ഈ ബില്ലിനെ വളരെ ശക്തിയായിട്ടു എ തുക്കുവാനാണു് ഭാവം. ഈ ബിൽ ഇവിടെ പാസ്സാവുകയാണെന്നുണ്ടെങ്കിൽ.....

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Mr. K. S. Panicker *(Ezhuvas-Mukundapuram):* Section 30 of general rules of Procedure lays down that the business of the Council shall be transacted in English, but any member unable to speak in English may address in Malayalam. The Hon'ble Member for Trichur, North is an advocate of the Trichur Bar.

Mr. M. Krishna Menon *(Trichur-North):* I was speaking in Malayalam so that Hon'ble Members like Mr. Panicker may understand me properly.

Mr. Panel Chairman: The Hon'ble Member may speak in English.

Mr. M. Krishna Menon *(Trichur-North):* I submit that very likely our Hon'ble lady Member will stand before this House to protest saying that husbandsshould not even be given a square meal in their wives' houses. Another argument which I would advance to oppose this Bill, in the language of our Government, is "to check inflation." Payment of dowry would be a good means to secure that end. May I ask the Hon'ble lady Member whether the money received by the husband is utilised solely for his own purpose or whether it is utilised for his wife's purposes. He uses the whole money for the use of his wife and children, and any poor bridegroom who wishes to take something from a rich bride should not be stopped. It is only to safeguard properly the interests of the bride that the system of dowry has come into vogue, and it will be highly inhuman if we object to this system of paying dowry. The Statement of Objects and Reasons runs thns.—

"The demand of huge amounts as Dowry has become a curse of some of the communities in this country, so that poor people who cannot afford to pay the same have begun to suffer very much. Many poor fanilies were wrecked on this account.

On account of inter-state marriage there is regular drain of money outside too. Hence this Bill."

As we observe throughout the State we find that a poor bride seeks not a very rich man but a man who will be on a par, commensurate with the position, status and wealth of the bride. On account of inter-statae marriage it is said there is a regular flow of money to outside the State. If by way of marriages amounts go from Cochin, I may say amounts from outside Cochin also come to State. Hence that is not a strong point in favour of the Bill. This kind of introducing Bills which would be most intolerable to the general trend of opinion should not be accepted by this House. That is why I say I oppose this Bill. A strong populace in our State consisting of Brahmins, I am sure, will oppose this measure with the greatest force, and Christians too so I submit that this Hon'ble House should not take a serious view of this Bill. Sir, I have done.

* **Mr. P. P. Devassy** *(Adur):* Mr. President, Sir, though there were many to oppose this Bill it has been the common feature of the majority of the Hon'ble Members that they conceded and accepted the main principle involved in this Bill. That the dowry system is an evil system has been conceded by many of the Hon'ble Members who opposed the Bill including the Hon'ble Member for Chalakkudi. Of course it has been pointed out that the Bill has not been happily or comprehensively worded so that loopholes are left for defeating the provisions of the actual application of this Bill and therefore it is defective and it cannot be accepted. This argument can ably be raised with referenc to any Bill for that matter and we are aware of the fact that Sarada Act has been sought to be defeated by marriages taking place in Cochin State where that law was not applicable. Black-marketing in the matter of giving of dowry also has been advocated for opposing this Bill. Black-marketing goes on in spite of serious notifications and laws in every branches of the administrative activities and in spite of very strong and numberous staff also maintained for the administration of those laws. That there may be black-marketing, that some people may seek to resort to methods of defeating the law is no reason why no earnest and honest effort should be made as far as possible to implement he law provided it is good in other respects. It has also been urged that there are certain other legislations established with regard to succession of property in the matter of Christian succession and also in the matter of Hindu law which should take precedence of this legislation and then only it will be ripe for any Hon'ble Member of this House to come in with a piece of legislation as the one on the anvil now. The question of precedence should not, I wish to point out, stand in the way of accepting the vested principle of the Bill acceptable to the House merely on the principle that happened to come first and not after the other piece of legislation. It will be up to the Hon'ble Members to come forward with such amendments or alterations in the laws of succession on the day precedent or along with this. It will be up to these Hon'ble Members to come with the necessary details and

*Sheech not corrected by the Hon'ble Member.

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this House will be eqaully glad to accept them provided they are good in themelves. Dowry is made the means of compensating every one at least in the case of certain girls to whom nature has been rather unkind. This argument is according to me the very last resort that the parent of a girl who has got no money and got the more advantageous position than a girl of equal complexion or of equal ancestry is one reason why a law that seeks to place that poor girl on the same status which should be obstructed. Poverty should not be made the penalty and girls because they are born of poor parents should not be placed in a position of unequal competition with girls whose parents are more blessed in the matter of riches. The anxiety on the part of the parents when the girl grows up to get herself married suitably should not be allowed to be exploited by young men or their parents who are on the look-out for an income by getting also a daughter-in-law. Marriage should not be made the means of earning for the family. Entering with marital relations with a young girl should not be made the means of exploitation and means of speculation and trade as it were. I believe one point has been urged and that by the Hon'ble Member for Chalakkudi that this dowry shoud be taken to be only a payment for the maintenance of the girl who is given in marriage which the parent of the girl has to meet provided she remains unmarried. When one young man takes upon himself the duty of maintaining his wife with benefit to himself and his family of the services of an able young woman to look after his own affairs and the affairs of his family and doing duties as an able mistress of the house helping him in every walk of life in whatever directions he is engaged, when he has taken upon himself the duty of maintaining that girl, it seems to me, that he is not justified in looking to her parents any more for her maintenance or the maintenance of her children. I believe it will only be right to say that he parent has discharged his duty if he has brought up his daughter fit to be a suitable and able wife of the young man to whom rights can be conferred, if the law allows it. At present the law does not allow it. It should not be, a reason for shutting out legislation necessary alterations can be made to it under the existing situation and it is up to you to make those amendments.

Mr. T. P. Poulose *(Kanayannur):* Even the little things that she gets are deprived of.

Mr. P. P. Devassy *(Trichur-South):* If the definition of the word dowry means it is but interpretation to pay, the father of the girl is absolutely helpless. At any stage of her life or even years after her marriage if payment of money in her favour is dowry I would only request that necessary alterations may be made to kill the payment of dowry. If alterations and definitions mean another Bill, of course, I am helpless.

Mr. T. P. Poulose *(Kanayannur):* If almost all the payments to the daughter are to be excluded, what is to be included?

Mr. P. P. Devassy *(Trichur-South):* If the definition of the word dowry has been defective so that injustice is worked or real hardship is caused the necessary amendments may be made and the same arguments passed. The absence of provisions for the actual working of the Bill can also be remedied. If there are some defects, I would request the Hon'ble House not to depend upon defects or loopholes but to draft the whole legislation.

Mr. K. Narayana Menon *(Mulakunnathukavu):* I oppose this Bill and exploit the eminent advocacy of the Hon'ble Member for Trichur-South. I am sorry that this Bill cannot be made acceptable by any process of assimilation or alteration. It is revolting against the principles of Hiudu Law as understood from very ancient times and I cannot see any definition of dowry which will not come within the purview of that. I will invite the attention of the Hon'ble Members of this House to the kinds of Stridhanas enumerated in the Smritis as existed from very ancient times.

(1) What is given before the nuptial fire (adhyagni) ?

(2) What a woman receives while she is conducted from her father's house to her husband's dwelling (Adhyavahanika) ?

(3) What is bestowed in token of love (Pithrudatta or Bhartrudays) ?

(4) Prithidatt a or affectionate present, *i.e.*, whatever has been given to a woman through affection by her mother-in-law or her father-in-law as also wealth termed Padavandanika, that is, which is received by a woman at the time of bowing at the feet of elders.

(5) Gifts made by father, mother or brother.

(6) Gifts subsequent that which is received from her husband's family or her father's family subsequent to marriage (Anavadheyaka).

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(7) Gifts on supercession (Adhivedanika). A present made to a woman on her husband's marriage to another wife is the gift on supersession.

(8) Gifts by Bandhus (Bandhudatta) that is what is given to the bride by the relations of her mother or of her father.

(9) Sulka or the fee which is variously described (i) as the gratuity for the receipt of which a girl is given in marriage, (ii) as being a special present to the bride to induce her to go cheerfully to the mansion of her Lord and (iii) as what is received as the price of household furniture, conveyance, miltch-cattle and ornaments.

Now, Sir, added on to this fact there is the fact that there are certain legislations already passed by this legislature which had accepted dowry as a legal payment I may refer to the Cochin Nambudiri Act (Section 17).—

"Any unmarried major female member of an illom who marries or has her marriage with a male belonging to her community performed with her consent by her father or by any other member of her illom, shall be entitled to recover from the illom properties the reasonable expenses of such marriage as well as her dowry:

Provided that not less than three month's previous notice in writing of the marriage shal be given to the karanavan.

(2) The amount recoverable under sub-section (1) shall not exceed one-third of the value of the share which would fall to such female member if a division per capita of the properties of the illom were made among all the members thereof living on the date of the marriage or rupees ten thousand whichever is less.

Provided that where an illom consists of females only the amount recoverable under this sub-section may extend to the full value of her share." These enactments are passed by this legislature and at one stroke and by another flash of this House if this Bill is to be accepted we do not know where we are to land. Apart from the practical difficulties which the Hon'ble Members who preceded me explained to the House I submit that there is a great impracticable position which is not perhaps contemplated by the Hon'ble Members. If this Bill goes to the Select Committee or is circulated for eliciting public opinion the principle of the Bill cannot be given then go-by. The very question is the principle accepted in the face of the expressed texts that are quoted by the various Hindu Law writers on the subject. My respectful submission, Sir, is that it is a practical impossibility and to attempt it is to attempt at something which is impracticable or impossible. Sympathy towards growing ladies is something which I do not stand in the way and the further question is will it not be stultifying the progress and solving the idea of getting married if this Bill becomes law. As was remarked by the Hon'ble Member the lady under the Hindu Law becomes a member of the house of the husband. She has absolutely no rights of property in her paternal home and she has no rights of inheritance in her husband's family. What is the result of the property which she has by right of her birth and by right of paternal ancestry would she get is the question? My humble submission is that it will be the greatest injustice if a girl should not get something of her father's property What is the objectionable feature of this patrimony? I fail to see apart from the manner in which it is stated no dowry shall be paid.

"Dowry" means and includes presents in the form of money, land, jewel or other valuables paid or agreed to be paid to the Bride or Bride-groom in consideration of marriage but does not include any jewel given to the Bride according to the usual practice and her family status. Any receipt either by the daughter or by the husband is being prohibited. My question is that there cannot be any question of any consideration of marriage. Don't you want this marriage to be consummated? I do not think we are here to court prospects for the married couple the day after the marriage, and not to allow them to consummate the marriage. With such legislation in the State what is going to happen? As it is contemplated by the Hon'ble Member for Trichur-South the consideration of marriage should be strictly interpreted.

A is married to B and some amount is proposed and it has been paid by other persons to either sex it is something paid not for consideration but which was given for something else. The result will be there will be only marriage. Nothing further for the next so many years. Only a criminal prosecution or through the mercy of Government nothing I respectfully submit that this House should be the last to lend its support for that. On these grounds I oppose Bill.

Mr. T. S. Ramachandra Ayyar *(Chittur-Taltamangalam):* I rise to strongly support this Bill. I wish not to cover the same ground which has been covered by many of my predecessors. I

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am not against Stridhanam. Stridhanam mentioned in the Hindu Law covers only amounts willingly, gladly and lovingly given by the parents to their daughter on the occasion of her marriage. But what am against and this Council should be against the Stridhanam commonly in some cases extracted and squeezed from the hands of the parents. If this House rejects this Bill it will be cutting a sorry figure. As has been pointed out there are so many statutes on the Statute Book which are innocuous which are not very easy to give effect to, but still that is no argument against placing such a statute on our law books.

Mr. T. P. Poulose *(Kanayannur):* What are the features to distinguish between the unwilling payment and an extracted payment? That is something different from what we understand.

Mr. T. S. Ramachandra Ayyar *(Chittur-Tattamangalam):* By way of counter question may I ask you, Sir, what percentage of cases for payment of dowries has been made willingly. You honestly answer the question. In 99 per cent of cases these dowries are squeezed out and extracted.

Rao Sahib Dr. T. Verghese *(Chief Medical Officer):* No.

Mr. T. S. Ramachandra Ayyar *(Chittur-Tattamangalam):* Yes including myself. There are defects and it is for you, legal luminaries to find practical ways for solving such defects. It is not for laymen such as me.

Mr. T. P. Poulose *(Kanayannur):* Take it from us that it is very difficult.

Mr. T. S. Ramachandra Ayyar *(Chittur-Tattamangalam):* But still there is no harm in placing this Bill on the Statute Book. It has got an educative value in the long-run. It is bound do have a future effect. I may add that it is the difficulty of giving effect to such a Bill which has kept back members as myself from sponsoring such a Bill. My respectful submission is that this House would do well to circulate this Bill for eliciting public opinion.

*Mr. P. Kumaran Ezhuthassan** *(Vadakkancheri):* Mr. Chairman, I feel, Sir, that in the discussion of a very important piece of legislation like the one introduced by the Hon'ble lady Member, a volume of bad taste has been exhibited almost from the start to the very finish, contributed to by persons and quarters wherefrom they should not have emanated. That is the sorrowful scene that we see here. I am not carried away by smiles or jeers. I am on the subject, I will deal with it to the best of my lights and see what the results will be. I shall court jeers, I shall court laughter, I don't mind.

Now, Sir, the Hon'ble Mover of this Bill has stated that she was happy to introduce a Bill of this sort. As the next clause following, because I was listening to hear how she was proceeding with it, she has stated that it was long overdue. I am sorry I have to put a question to her, having been in the Council for nearly 7 years, my complaint against her is that she has brought this Bill only at the fag end of this Council.

Mr. T. P. Poulose *(Kanayannur):* She was not here for the last 7 years, but only for 2 years.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* I am sorry, Sir, I thought she must have been here from the very beginning. It is pointed out that she was here for two years only, I would say, that she could have introduced this Bill at the very first meeting, because that is the importance of the subject in hand.

Mr. M. Krishna Menon *(Trichur-North):* Election was announced only now.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* I am sorry, Sir, that from a corner it is heard that election was not announced then, thereby meaning that this is an election stunt of hers, I do not for a moment think that the Hon'ble Lady Member for Trichur belongs to that category. I do not know if she proposes to stand for election, on the other hand I am told that she is not even standing. Therefore, rule out the proposition that it is an election stunt indulged in by the Hon'ble Lady Member. It even smacks the want of chivalry, to suggest that. About the complaint about the Hon'ble Mover of this motion I have done.

What is it that she wants through this Bill?

A voice: Ask her.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Without asking her, I can understand the import. I read the Bill, I studied the Bill, I make references and I make out my own meanings and if at times I go wrong I am here in the company of friends who will correct me.

In introducing the Bill she said in her speech that many a family as a result of this unhappy system of dowry, extraction of dowry, have been ruined, we are compelled to be ruined, that was what was stated by her. And she had made reference to a Russian proverb, I do not know whether it has been caught by any Hon'ble Member of this House because at the time of her speech

*Speech not corrected by the Hon'ble Member.

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introducing this Bill I saw a sort of flutter in the faces of the Hon'ble Members, but I took down that proverb. That proverb runs like this; "The hen is not a bird, nor a woman a human being"—a most thought-provoking proverb.

Rao Sahib M. Nanu Menon *(Ernakulam):* That is an English proverb, not Russian.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* That is English translation of a Russian proverb, I may say that for the information of my esteemed friend sitting in front of me. That is a thought-provoking proverb. If this is looked into carefully and pondered over we will understand the necessity for this Bill. It is said woman is not a human being. We are not concerned with hen now.

Mr. K. Narayana Menon *(Mulakunnathukavu):* We all live for women and women alone.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* I do not belong to that section. Are we going to deal with the women in the light of this proverb? We should construe it in the spirit of the time and of the author, of the Russian author who has written it. I say emphasis on the time when it was written. This notion has changed in Russia. It has completely changed, but I must say that this is the position of women here, not only in Cochin, but in other parts of India also. The import of this is woman is not treated as a human being, woman is treated as a chattel on a par with hen, which is killed, her off-spring being killed. What for ? For your enjoyment. You are treating your women-folk like that is the import of that proverb. I seriously ask, Sir, whether you are going to continue in the world of yours, or whether you are going to get out of this empire. That is the question. The attempt is to take you out from that place and it is such a proposition that is being treated in the manner in which it is being done.

This proposition has been opposed by various Hon'ble Members of this House.....

Rao Sahib M. Nanu Menon *(Ernakulam):* On a point of information. Is this proverb in connection with dowry ?

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* I am not here on connection although we are dealing with a subject almost akin with that.

Panel Chairman: The Hon'ble Member may continue his speech.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* I am not allowed to approach the subject.

Sir, I was on the point that this proposition has been opposed by various Hon'ble Members. I was closely following the opposition. An Hon'ble Member speaking before me was referring to the Nambudiri Bill and doing things similar to that. I am sorry, Sir, that the position was the result of the unwillingness to understand the Bill. The Hon'ble Member who last spoke quoted from the Hindu Law—I am not going to quote it again—it is on page 736 of the Hindu Law—and gave us a treatise on what is "Sthridhanam". The question Sir, is does this Bill deal with "Sthridhanam". "Sthridhanam" it is wrong to translate as dowry, and dowry it is wrong to interpret as anything different from the definition of dowry given in this Bill. When a Bill is considered, at the stage of consideration the principle underlying that, you will have also to look into the definition of the words used therein. It is not the dictionary meaning of dowry that you have to look into when we are at that stage. How is dowry defined here. In the light of the definition of dowry given there, we should consider whether the enactment, the operative portion of which is put down in clauses 4 and 5, is necessary, whether the principle enunciated therein is acceptable; if the principle is not acceptable it will have to be thrown out, if the principle is acceptable, this stage may be got over and the appropriate next stage be taken up, the next two stages being either circulation for eliciting public opinion on this Bill if it is of that sort, or referred to a Select Committee if it falls into that category, where the drafting defects and the arrangement defects will be considered. That is the stage at which we are now, Sir.

Now, here in this Bill, dowry is defined in a particular manner. Clause 4 provides that no dowry shall be paid to a bride or bridegroom. That is the principle. Whether the principle that dowry should be paid or not paid is the only question that we are now concerned with. We are not concerned with the various propositions that the Honb'le Member for Chalakkudi stated in this House. He was asking who is to complain, where is the complaint to be laid, is there provision for appeal, etc. I am sorry, Sir, that these question emanated from a learned Advocate like the Hon'ble Member for Chalakkudi. They are things to be done, Sir, at the Select Committee stage if it has the good luck in the circumstances obtaining here to-day to go into the Select Committee, Sir, therefore, what I was at, was whether this principle that dowry

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shall not be paid, is this principle acceptable to this House, representatives as we are of the people of the State. Is it acceptable? If it is not acceptable send it out, if it is acceptable send to the next stages.

I believe, Sir, that the principle of this Bill is quite acceptable and hence I support it. The difficulties emanating from this system of dowry have been pointed out at the time of the introduction of the Bill. Many a family have been ruined by this system was one statement made by the Hon'ble Member. Is it not a true statement? That is the point you have to consider. Is it not a true statement? Have not many families who had been in affluent circumstances been ruined by the system of dowry, the cumpulsory system of dowry prevailing in the State. Take the case of a family either of a Christian or a Brahmin, I will say blessed with a good number of girls, though some may say cursed with a good number of girls, but I say blessed with many girls. Let us take the case of a Christian family like the one to which the Hon'ble Member for Medicine belong to, a very aristocratic family, an ancient family, in very affluent circumstances, to which his big earnings are added. Suppose it is the case of the marriage of the first daughter. What is the amount of dowry that he has to give. Let him say that, not in his capacity as the Medical Officer, but in his individual capacity. The first marriage will take away a large amount of money from his ancestral property as also his own private acquisition. But by the time the marriage of his second daughter is to take place, the amount has necessarily to be cut down. And suppose the process takes place five times?

Rao Sahib Dr. T. Verghese *(Chief Medical Officer)*. But I have only two.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: I am citing the Hon'ble Member for Medicine only by way of an illustration. I do not know the number and I am not concerned also. So, that is the harm that many a family have to put up with. I was taking only an instance. Many families are being ruined because of this system. Supposing the rule is that it is criminal to ask for dowry and give dowry not a pie will go out of the family As against that, some statements were made here, quoting from Manu.

A voce: The daughter also won't go out of the family.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*; I will point out whether a daughter will go out or not I invite queries, or else these queries will stop.

Sir, I was on the question of families being ruined because of the compulsory system of dowry being insisted upon in the marriage world. I won't say, the mariage market. Marriage is not a matter of contract. It is something else.

Another reason that was given by her was that as a result of this system being prevalent here, many a woman, many a grown up girl has to remain unmarried. We have only to look into the conditions existing in the Nambudiri community before the passing of the Nambudiri Act and the system of marriage that was going on there, which has been graphically described by some Hon'ble Member by my friend sitting on my right, old men of 60 or 70 marrying girls of 16 or 17 for the sake of dowry. It is a question of marrying the money that comes with her and not marrying the girl. What for? I don't blame the old men. That money was to be given to the daughter who remains unmarried. He has to send the daughter out. To send a girl out, he marries a girl of 16 or 17 with a dowry of Rs. 5,000 or 6,000—not for building his own palatial house, not for putting up a new building, but to send out a daughter from the family. That is the system prevailing in the Nambudiri community before the enactment. Now it has improved a little, because of the Act. It is easily understood that the dowry system is playing havoc in the community amongst which prevails. If that is accepted and I am sure nobody will question including Mr. Ramachandra Ayyar from Nellayi—if that is accepted a remedy has to be found out to prevent this sort of thing. The ruin consequent on the payment of dowry and the unhappiness of married life contracted in the circumstances to day have just now been adverted to. Both are things to be done away with. The remedy is doing away with dowry. It is such a Bill containing such a principle that has been brought before this House and I am sorry that that principle has been opposed by almost all Hon'ble Members of this House.

Now, Sir, one Hon'ble Member, a learned Hon'ble Member, indulged in a bit of alliteration and said that for the absence of appearance, ancestry, if nature had not been kind either to give good appearance to a girl or if she was not born in a noble family....

Panel Chairman: You have taken more than 20 minutes. I would like you to be brief.

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Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: May I point out to the Hon'ble Chair that as far as legislation is concerned it is a rule of parliamentary procedure that there is no time-limit, not that I want to take up much time. I shall state all the facts according to me before the House. I may fail or I may succeed. Half of my time was taken away by interruptions, both from inside and from outside the House.

Panel Chairman: You were inviting interruptions.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: I am not so impervious as the Government of Cochin.

It was stated that in the case of all of them or in one of them, dowry was insisted upon I am sorry that that observation came from that corner. That is due to a mis-conception of marrriage. Marriage is not to be looked at from the stand-point of appearance of the girl to be married or the appearance of the bridegroom only, nor is it to be looked at from the standard of ancestry, nor at the affluence of either family. I would say that marriage is to be looked at altogether from a different point. It should be the result of sincere love.

Mr. V. K. Bhaskara Menon *(Cranganur)*: In that case, the question of dowry never comes.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: I am only saying that the view of the Hon'ble Member with regard to marriage is wrong, but it may be the sort of marriage obtaining at present. This bad feature must be removed, that is the principle of this Bill, so that marriages may take place. I am reminded of another observation of another Hon'ble Member that if the dowry system is removed, most of the girls will remain in their homes, there will be nuns in every home, not in monasteries, but in every home there will be nuns, though not exactly nuns. That was one observation. There is no fear like that, Sir, if it is a fear that it will be a criminal offence that one who gives dowry as also one who takes dowry will be punished. I am not of opinion that neither the male-folk nor the female-folk will ever remain one as bachelors and the other as spinsters. That cannot be. Human nature being what it is, the food that we eat being what it is—I am not referring to the ration rice (*laughter*), the food that worldly men eat, distinct from the food of sanyasis, so long as we take. the food that we take, so long as we are in the environments that we are in, there is no fear that every girl for whom dowry is refused will remain as spinsters and every man will remain a bachelor. If this is removed and removed under statute, and the statute makes it punishable either to take or to give dowry, the field will become easier. One Hon'ble Member suggested that the most important part of the marriage consideration is the negotiation with regard to the money. Of course he was correct. If the Bill is accepted, it will remove that ugly part, the unhappy part of the marriage, namely the largest percentage of attention having to be met on the arrangement of dowry will be removed. Now, Sir, I was submitting that the opposition was due to a misconception that dowry is "Sthridhanam". If this reference was made by the Hon'ble Member for Mulakunnathukavu the connotation of "Sthridhanam" in the Hindu Law has a special meaning. It is the dowry which is described here, which is prevalent here among the communities that is covered by the Bill, which neither "Sthridhanam" nor any other thing that is attempted to be stopped. With regard to the dowry, look at even the dictionary meaning. That is sufficient to make it objectionable to have the dowry system. What is the dictionary meaning in the marriage connection. The word dowry has got of course other meanings. What is the dictionary meaning? "the portion woman brings to her husband". Does not the definition make it obnoxious? Look at it "portion woman brings to her husband".

Mr. T. P. Poulose *(Kanayannur)*: What is the meaning of the word 'portion'?

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: What is your meaning. Tell me that.

Mr. T. P. Poulose *(Kanayannur)*: It means the share from her father's estate.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Who says share from father's property?

Mr. T. P. Poulose *(Kanayannur)*: Because it is the father who gives that share.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: If another man gives it?

Mr. T. P. Poulose *(Kanayannur)*: Then, that man's share.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: That is another question. We will leave it there. I ask the question, Sir, does the husband who looks to the share that his wife brings, deserve the name of man? A man who comes in for marriage must be prepared to marry the girl and not the money that she brings in. Of course one instance was pointed

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out. I am sorry that he referred to it, because it relates to a common friend of ours,—a gentleman being offered a girl and Rs. 5,000, that gentleman humourously saying "I will accept the dowry less than Rs. 5,000 say Rs. 2,500 but not the girl." He might have said something like that, he is a humourous man, I know him, and that is quoted to oppose this Bill. You are not to marry the dowry, you are to marry the girl for whatever the qualities other than the dowry she brings, her personal qualities of appearance, of ancestry or affluence, she has, the other qualities which women have. They have other qualities. You don't look at it from that angle. There are more glorious features in women. You have to marry women for those features, not for her dowry. I may submit, Sir, that the very definition makes it necessary that dowry should have nothing to do with marriages depending upon this portion which she brings and not looking to her. With regard to the reference to the Nambudiri Bill.....

Panel Chairman. You have taken much time. You should be brief in your speech.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* I am being disturbed from all sides. I have a right to be allowed to speak without any disturbances either from within or from without.

Panel Chairman: But you should be brief, and avoid repetitions.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* I submit that the mode of speech or the tone of the speech is not to be directed by the Chair. I am sorry, Sir, that I have to make such an observation. In dealing with law, and especially in supporting a Bill which has been opposed by very many Hon'ble Members, if I am not allowed to speak in this strain quoting instances, cutting at the very root of the arguments, what is the use of a debate, if the debate has to be effective. If I am not to be allowed, I don't want to address the House.

Mr. V. K. Bhaskara Menon *(Cranganur):* I move that the House be adjourned and the discussion continued at the next meeting.

Mrs. K. Joshua *(Women-Trichur):* I oppose the motion, Sir.

Mr. V. K. Bhaskara Menon *(Cranganur):* I thought everybody wanted to close the debate. If the House wants to continue, I have no objection.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* I have not finished my speech. It is my right to possess the House till I have placed all my facts. That is the fundamental rule of parliamentary procedure.

Panel Chairman: How much time would you require?

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* That I shall not say, Sir, and I am sorry that it is demanded of me.

Panel Chairman: The Hon'ble Member must try to be brief.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* There is no rule in the Standing Orders about that. But if the Chair fixes the time, I have to abide by the decision.

Panel Chairman: You can take 5 minutes more.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Five minutes, Sir, is not at all sufficient to press my points. I shall stop the speech, not as a protest against the ruling, but on account of the hollowness of the arguments advanced by the Hon'ble Members who opposed this Bill and on account of the last ruling I resume my seat, not that I am convinced of the opposition—I am on very very strong foundations with strong arguments—but because of the ruling which I want to respect and because of the respect for the Chair and because of the little knowledge of parliamentary procedure, I resume my seat, Sir, and in doing so, I protest against it,

*Mr. **A. B. Salem** *(Mattancheri):* I did not want to intervene in this debate regarding the payment of dowry, but I find that a lot of confusion of thought has been exhibited on the floor of this House. The Hon'ble lady Member wants to mitigate the difficulties of finding dowry by some poor people to get their girls married. That is her difficulty. I do not think that she has got in her mind anything more than trying to help the poor, for surely she should be in sympathy and wish to aid the girls to have their lives led as married women comfortably. Every married woman should have respect bestowed upon her by her husband and her husband's family. Naturally if a girl comes to a strange family by marriage and she is possessed of nothing it is usually, and it has been so in the past, in our experience, that people some times say this girl was taken as a mere girl "തലകീഴി ഒന്നുമ്പോ" that is she was taken as a girl with nothing on her. That is why in the communities which have the welfare of the girls at heart that they give girls in marriage something on settlements. That has been so even from time immemorial.

* Speech not corrected by the Hon'ble Member.

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There is a settlement before marriage which says what the husband is to give to that girl and what she gets from her father's house by way of ornaments, by way of utensils by way of land or money. Then this girl comes with these into the bride-groom's house and the bride-groom is made the trustee of all these funds that she brings and whatever he may lose in this world he has to return this money or this land or this property that the girl brings to the husband's house, he has to return it to her at all times whenever it is demanded. If he increases with it by trading or by doing any other thing, the increase shall go to him. If by trading with it, it decreases, the loss he shall bear, but whatever she has brought on her marriage, the corpus of it must remain for her benefit, to be her own property, which she can dispose of as she likes and if the husband is to divorce her, he has to return all she has brought from her house, as well as that he has added on to her on marriage. Therefore, the married girl has the respect of her husband. That is the ancient custom. The Hon'ble Member for Trichur Ladies was saying that women are treated as mere chattel to be taken away from their homes to be used as a wife and they get nothing. Certainly not. When you are asking for partition as among the Nayars or among others, that is all right, but she simply brings a Dowry Bill. That is the trouble. I can understand that the system of dowry may be abused. According to the Bill it is prohibited either to demand dowry or to pay dowry, on the principle that marriages must not be for dowries But marriages always proceed on settlement, negotiations according to the means of the two families. Things are arranged beforehand. I think in the community of the Latin Christians in my constituency, there is a custom of "[illegible]" that is a girl is given an ear ornament, a necklace, something on the hands, a bracelet and something on her ankles "[illegible]." It may be small things, worth about Rs. 25 or 30 or 40, at least something, and the man marrying may not have even Rs. 5. In such cases anyway the girl is given something, she is not sent out as a mere woman.

Mr. P. P. Devassy *(Trichur-South)*: But that is not prevented by this Bill.

Mr. A. B. Salem *(Mattancheri)*: According to the Bill presents can be given.

Then let us see how it works out in the families. If a man has got a boy and a daughter and if he has got a lakh of rupees of property, he gives 30,000 to the daughter and 60,000 to the boy. They will only marry in a family generally if the parents are arranging it of equal status. For the boy they will also get money. For the girl, they will give money. So that, it will not work any hardship in such cases. But the only hardship is supposing a girl is in a poor family and anybody coming demands a dowry. You have seen the reason. The reason is nobody wants to take a mere woman and no girl should go as a mere woman. It is for the protection of the poor. I say it is incumbent on the poor man also to give something to his girl when he marries and sends her with her husband to the husband's house. In the case of the Nayar ladies they have got double advantage. They are the most lucky people of the world. By marriage you don't lose anything from your family. You sit in the family as the mistress of your children and the house-hold and out of love for you your husband brings you everything. You can take that also. I don't know how you come into the picture of this Dowry Bill. You remain there in your family enjoying the family property. You are the most lucky, those following the matriarchal system and the admiration that you have evoked is immense, because there is no other place than Malabar where women are so powerful and well-situated. They have the power and the dignity. All honour to such Malabar ladies, all glory to you. How can it be that your girls shall have nothing. This Bill is not going to affect you in the least.

In the case of the Brahmin people, what is the case? When old men of 70 or 80 want to marry girls of 16 or 17, it is for the sake of the money, that is to say, money may go out of the family. There are other considerations that take place even in Muslim families also. Sometimes there is a widow and the widow may walk away with the money. So somebody in the family marries her again. These are considerations which are very wide and should not be hastily rushed through. We have to think very much upon this question. This affects all the people. Mr. Koder said he did not want to enter into the merits or the demerits of the Bill. In our Jewish community, I should say there is no system of dowry, but something must be settled upon the girl, the girl should not go away as a beggar girl, as a street girl, a girl whom the parents want to get rid of. That is the idea. The bride thinks she has become a burden of a poor family when the father finds it difficult to pay the dowry. It is here that the Church authorities and the religious authorities should come in. According to religious ideas, all mature people should be married for the sake of population in the world—boys at the age of 18 and girls

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at the age of 14 must be married. That is the ancient injunction, though it is now more honoured in the breach than in the observation. That is because of civilization. Amongst the Brahmins, before girls mature, they are married. Every girl must be protected in this world, that is the idea. Child marriage was not the idea. The idea was that every girl must have some protector by the side of her. This is a very good idea. Child marriage was not the idea. The consummation of child marriage is a different matter. That is how the Brahmin community looked at it. In France what has happened? They are now giving bonuses to people to marry and beget children, because they went out of these nice rules and population began to diminish. There was the Malthusian theory. What is the result? The result is Germany quietly invaded France. In England, matrons who would never have thought of marriage and such things are perhaps now thinking of polygamist marriages, because a number of youngmen, the flower of England, those between 18 and 40 have now gone for the war and we do not know how many of them will return. Women will be more than men and what is to be done. As far as the Mohamedans are concerned they can marry more than one wife. There will be no trouble for them. They give no dowries, but very good portions from their father's property. I hope my Hon'ble friend the Muslim Member for Mattancheri knows how much he has given to his sisters, how well his father provided them. All honour to them. It is not the case that they have given to paupers. That is given not for the sake of the girl only, but for the honour of the family to which the girl belongs. Therefore to totally prohibit that as an offence would not be quite justifiable. I can understand if you brought in a law to say that all girls must be married in all communities, I would support it, or restrict the amount that is given of, if you restrict the amount given if there is any provision to give some gifts, or if you fix that if people having so much income demands more than that is fixed, he should be prosecuted. It all depends upon the status of one's family and how these girls are accustomed to in their houses. So this is a very important matter which affects the ladies themselves. Whether it is good for the ladies themselves to pass such a legislation in this House, the ladies must reconsider. That is my prayer to them. We are not against the ladies, we love our ladies and we will do everything that we can for them, for the promotion of their interests. I think they ought to be encouraged in every way possible. If the House thinks that by not passing this Bill it will be encouraged, it is the duty of the House to do so, if the passing of this Bill would help them, the House should pass it. My view is that more difficulties would be created than facilities provided. That is my humble view. It may not be acceptable to you. My humble view is that you will be throwing in the path of marriageable ladies far greater difficulties by passing this Bill than giving them facilities. Take for example the case of the Hon'ble Member Mr. Pettah. He has got five girls to be married. What is to be done? If you say nothing is to be given, I think he may find it difficult to get bride-grooms at present. I don't say that every bride-groom will go and say " unless you give me so many thousands of rupees, I won't marry ". That kind of market has not begun. They began it in Sind and therefore they stopped it. They said only so much must be given and given publicly, and nothing more. To bring a law to prohibit totally the payment of dowry is not in my view correct and so I am constrained to say so much and resume my seat. I don't want not to vote for the Bill if it is likely to get the majority and would fail by one vote. I would stand by her on that condition. I think it would be better to put our heads together and on a future date a Bill can be brought again. That is my view in the matter.

Rama Varmha Tampuran M.B.E., *(Secretary to Government):* The Government consider that they can fix a definite position on this only after eliciting public opinion and therefore at the appropriate stage they will move for that.

*Mrs. K. Joshua *(Trichur-Women):* It is surprising that an innocent Bill like this has met with so much of opposition at the hands of the Hon'ble Members.

The arguments advanced by some of the Hon'ble Members that the abolition of dowry system would cause a large number of women to remain in single blessedness has very little meaning. In highly advanced countries and societies, both in the East and West marriages take place and women do not remain single in spite of the absence of this evil system. When nobody can offer dowry every girl will be in the same position as any other girl and all young men will not go on strike and refuse to marry and lead a family life. The opponents of this Bill are creating a situation merely out of their imagination. Were all young men and young women will remain unmarried merely for want of a dowry? Dowry or no dowry natural laws will work themselves and people will get married.

* Speech not corrected by the Hon'ble Member.

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History shows clearly that every reform had to fight its way in the teeth of determined opposition. The story of the fight for equal rights for women in England and the opposition against "Sarada Act" and the progressive recomendation of "Mrs. Rama Rao's" committee finding 90 show that there would be blind and begotted opposition for all advanced social reforms.

Another objection seems to be that the money obtained for a daughter as dowry will not be obtained by her in any other stroke, if the system of dowry is abolished. If there is any basis for this apprehension—I feel there is none—the duty of this House is to make the necessary amendments to the laws relating to succession so that every daughter will be in a position to claim as a matter of fact her share in the father's property even during his life-time. It is cruel to retain the dowry system on account of this imaginary apprehension.

I may also state in reply to this argument that it is against all laws of nature to think that a father will completely ignore the daughter and deny her any rights in his property merely because she is married. Her difficulties and her sufferings will appeal to the father much more than those of the sons and it shows only ignorance of human nature to say that the father will have no consideration to his married daughter whatever be her condition of life.

Of course I feel greatly handicapped in a House like this with only two lady members and the greater the responsibility to present the case from the other angle and your responsibility also is greater still to give a very serious and impartial consideration to this Bill.

When the Select Committee for the Christian Succession Amendment Bill of which I am also a member was recording evidence I had occasion to hear many of the witnesses complained against the burden of the dowry system, the Hon'ble Member for Law was also present. It is the poorest section that really feels the difficulty and if Hon'ble Members of this House say that there are no difficulties it is only because they do not know the suffering of poor families on this account.

I do not wish to respect the answers given by some of the Hon'ble Members to the objections raised. I feel I have tried my best to convince this House of the justice and moderation of my cause. It is a very common experience to find people taking sides on questions like this without sufficient thought and reason but mainly moved by deep seated prejudices and mistaken opinions. But I feel confident that this House would rise above such little things and view the question fairly and dispassionately.

Perhaps there may be some who having eyes do not see, having ears do not hear, having brains do not exercise them. I leave them severly alone.

I am reminded of the Hon'ble words of Burke in this connection. "Reason is fatigued; Invention is exhausted; Experience has given Judgment; but Obstinacy is not yet conquered".

Now that I find that there is so much opposition I would request that public opinion may be elicited on this Bill which affects half the population of the country by a Select Committee.

I therefore commend this Bill for acceptance of this House.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: In the light of what was stated by the Government may I know what the position of the Government now is.

Panel Chairman: The Secretary to Government has already replied.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: If they have reached a decision, is what I want to know. Unfortunately, I am not understood. I want to know what will be the attitude of the Government whether they will be supporting this measure, so that we may know their position.

Mr. V. K. Bhaskara Menon *(Cranganur)*: You can know that when the vote is taken. I objet to such previous disclosure of knowledges, Sir.

Panel Chairman: I cannot compel the Government to answer again. The Government have already answered. Government do not answer and so we shall take votes.

Motion put and carried

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Poll, Sir.

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Ayes.

1. Mrs. A. N. Menon
2. ,, K. Joshua
3. Messrs. Khan Sahib Ismail Haji Essa Sait
4. K. R. Achyuthan
5. K. T. Achyuthan
6. P. Narayana Menon
7. P. P. Devassy
8. George Panikulam
9. P. Kumaran Ezhuthassan
10. T. S. Ramachandra Ayyar
11. K. J. Thomas
12. K. R. Ramakrishnan
13. P. K. Krishnan

Mr. T. P. Poulose *(Kanayannur):* On a point of order, Sir, a Member cannot make up his mind after seeing whether one vote would turn the balance. The Hon'ble Member Mr. Salem rose in his seat only after the counting of his row was over.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* There is no rule that a Member must be standing at the time of counting of his row. He was standing before the counting was over.

Mr. T. P. Poulose *(Kanayannur):* My point of order is if a Member is not standing when the votes are counted and if after the the counting is over or is about to be over, and when that row is counted, the member finds that so many votes are given in favour of the motion, makes up his mind in favour of the motion, whether his vote can be counted. The member must be standing when that row is counted. He was not standing then. He stood up only subsequently.

Mrs. A. N. Menon *(Ernakulam-Women):* On a point of information, how can the Hon'ble Member know that he was not standing in support of the motion ?

Mr. T. P. Poulose *(Kanayannur):* By observing him.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* The point that when counting is going on, members should stand in their seats, does not mean that he should be standing when the next Hon'ble Member is reached. It means that he should be standing before the whole counting is over. That is the meaning of the Standing Order if it is rightly understood. So I rise on a point of order. I take the perpendicular position of man as standing.

Mr. T. S. Ramachandra Ayyar *(Chittur-Tattamangalam):* And further, counting was not finished when he stood up.

Mr. Panel Chairman: I am satisfied that the Hon'ble Member was not standing when votes were counted on his row, and so his vote cannot be counted.

Noes

Messrs.—

1. C. V. Iyyu
2. Ephraim Ouseph
3. K. S. Panikker
4. Joseph Pettah
5. T. P. Poulose
6. V. K. Bhaskara Menon
7. M. Krishna Menon
8. K. Narayana Menon

Motion carried

13 votes for and 8 against.

Secretary to the Legislative Council: The title of the Bill is "Prevention of Dowry Payment Bill".

Mrs. K. Joshua *(Trichur-Women):* I move that the Bill be referred to a Select Committee consisting of.....

Rama Varmha Tampuran M.B.E. *(Secretary to Government):* Government propose that the Bill may be circulated for eliciting public opinion, within 2 months.

Mr. K. Narayana Menon *(Mulakunnathukavu):* I second it.

Motion put and carried

The House adjourned sine die at 4-35 p.m.

N. S. RADHAKRISHNA SARMA
Secretary to the Council

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